

REGIONAL DISTRICT OF NANAIMO
DEVELOPMENT SERVICES COMMITTEE MEETING
TUESDAY, APRIL 17, 2001
7:30 PM

(Nanaimo City Council Chambers)

A G E N D A

PAGES

MINUTES

- 2-5 Minutes of the regular Development Services Committee meeting held March 20, 2001.

BUILDING INSPECTION

- 6-7 Section 700 Filings.

PLANNING

AMENDMENT APPLICATIONS

- 8-52 Application No. 0101 - Brown/Madsen - Timberlands Road - Area C.

DEVELOPMENT PERMIT APPLICATIONS

- 53-60 Application No. 0106 - Munro/Williamson - 1790 Rena Road - Area E.
61-67 Application No. 0020 - Boulton/Mill - 1345 Private Road - Area G.

DEVELOPMENT VARIANCE PERMIT

- 68-72 Application No. 0103 - Lemke - 2211 Chelsea Place - Area E.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

That pursuant to Section 242.2(I)(f) of the Local Government Act the Committee proceed to an In Camera Meeting to consider a matter of litigation or potential litigation affecting the Local Government.

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, MARCH 20, 2001, AT 7:43 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

Director E. Hamilton	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director D. Haime	Electoral Area D
Alternate	
Director J. English	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Director R. Quittenton	Electoral Area H
Director J. Macdonald	City of Parksville
Alternate	
Director A. Kruyt	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

B. Lapham	General Manager, Development Services
S. Schopp	Manager, Inspection & Enforcement
P. Shaw	Manager, Community Planning
N. Tonn	Recording Secretary

MINUTES

MOVED Director Sherry, SECONDED Director Krall, that the minutes of the regular Development Services Committee meeting held on February 27, 2001, be adopted.

CARRIED

UNFINISHED BUSINESS

From February 27, 2001 Development Services Committee

MOVED Director Haime, SECONDED Director Sherry, that a notice be filed against the title of the property listed, pursuant to Section 700 of the *Local Government Act* and that if the infraction is not rectified within ninety (90) days, legal action will be pursued:

Lot 2, Section 12, Range 3, Plan 38230, Mountain Land District, 3033 Jameson Road, Electoral Area D, owned by D. and P. Stalker.

CARRIED

CORRESPONDENCE/COMMUNICATION

Frank Haylock, re DVP Application No. 0102 – Richard Place – Area E.

MOVED Director McLean, SECONDED Director McNabb, that the correspondence received from Frank Haylock with respect to approval of DVP Application No. 0102, be received for information.

CARRIED

Robert Hobson, UBCM, re Streamside Protection Regulation.

MOVED Director McLean, SECONDED Director Sherry, that the correspondence received from UBCM with respect to new regulation under the Fish Protection Act to protect fish habitat in urban areas, be received for information.

CARRIED

BUILDING INSPECTION

Section 700 Filings.

The Chairperson noted that the following filings have been either resolved or withdrawn:

- (a) Lot 1, Section 18, Range 3, Plan 24306 except parts in Plans 30692, 44695 and VIP55689, Cedar Land District, 2640 Cedar Heights Road, Electoral Area 'A', owned by D. McNaughton;
- (b) Lot 83, District Lot 28, Plan 26472, Nanoose Land District, 916 Barclay Crescent, Electoral Area 'G', owned by T. and M. Terjesen.

The Chairperson listed each filing and asked that any property owner in the audience wishing to address the Committee come forward when their name was called.

Mr. Phillips provided a short history of the residence and urged the Committee to allow him additional time to rectify any outstanding infractions.

MOVED Director Rispin, SECONDED Director Sherry, that a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (c) Lot B, Section 13, Range 1, Plan 17697, Cedar Land District, 1978 Cedar Road, Electoral Area 'A', owned by L. and P. Case;
- (d) Lot 11, Section 12, Gabriola Island, Plan 23365, Nanaimo Land District, 464 Berg Road, Electoral Area 'B', owned by K. Ramsey and I. Harrison;
- (e) Lot 5, Section 6, Gabriola Island, Plan 29233, Nanaimo Land District, 1475 Peterson Road, Electoral Area 'B', owned by A. and C. Holland;
- (f) Lot 3, Sections 9 and 28, Gabriola Island, Plan 27119, Nanaimo Land District, 1985 Ferne Road, Electoral Area 'B', owned by G. McDonald;
- (g) Lot 1, Section 18, Range 2, Plan VIP67127, Mountain Land District, 3395 Richards Road, Electoral Area 'D', owned by R. and D. Brennan;
- (h) Lot 1, District Lot 35, Plan 2230 except parts in Plans 8472, 142-R and VIP56073, Nanoose Land District, 2183 Morello Road, Electoral Area 'E', owned by B. and P. Kaspar;

- (i) Lot 8, District Lot 6, Plan 23588, Nanoose Land District, 2471 Schirra Drive, Electoral Area 'E', owned by R. and L. Phillips;

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Application No. 0103 – Frederick – 4781 Ocean Trail – Area H.

MOVED Director Quittenton, SECONDED Director McNabb, that Development Permit Application No. 0103, submitted by Gerald Frederick and Beverley Frederick, to facilitate the construction of a second storey to a single dwelling unit and vary the minimum permitted setbacks within the Residential 2 (RS2) zone from 8.0 metres to 6.6 metres for the front line and from 5.0 metres to 3.6 metres for the other lot line for the property legally described as Lot 73, District Lot 82, Newcastle District, Plan 31044, be approved subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

Application No. 0104 – Derkach – 1051 Surfside Drive – Area G.

MOVED Director Stanhope, SECONDED Director McNabb, that Development Permit Application No. 0104, as submitted by Linda Derkach, to facilitate the construction of a garage and second storey addition, and to vary the front lot line setback within the Residential 2 (RS2) zone from 8.0 metres to 4.5 metres for the property legally described as Lot 6, Block 1, District Lots 9 and 10, Newcastle Land District, Plan 15370, be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Application No. 0105 – Heringa and Rajotte/Griffin – 781 Miller Road – Area G.

MOVED Director Stanhope, SECONDED Director Sherry, that Development Permit Application No. 0105, submitted by Henry Griffin, Agent on behalf of Heringa and Rajotte, to facilitate the development of a single dwelling unit and vary the maximum permitted height within the Residential 1 (RS1) zone from 8.0 metres to 11.8 metres for the property legally described as Strata Lot 3, District Lot 28, Nanoose District, Strata Plan VIS4363 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, be approved as submitted subject to the notification procedures pursuant to the *Local Government Act*.

A recorded vote was requested.

The motion CARRIED UNANIMOUSLY.

DEVELOPMENT VARIANCE PERMIT

Application No. 0101 – Ken & Wendy May – Lambert Lane – Area A.

MOVED Director Krall, SECONDED Director McNabb, that Development Variance Permit Application No. 0101, submitted by Kevin and Wendy May to facilitate the development of a single dwelling unit and vary the maximum permitted height of a structure within the Rural 4 (RU4) zone from 9.0 metres to 10.6 metres for the property legally described as Lot 1, Section 5, Range 5, Cedar District, Plan VIP57053, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Application No. 0102 – Tad-Mar Resources Ltd. – Richard Place – Area E

MOVED Director Krall, SECONDED Director English, that Development Variance Permit Application No. 0102, submitted by Sims and Associates, Agent to facilitate the development of a single dwelling unit and vary the maximum permitted height of a structure within the Residential 3 (RS3) zone from 8.0 metres to 8.9 metres for the property legally described as Lot 7, District Lot 78, Nanoose District, Plan VIP56437, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

New FM Radio Programming License – Central Island Broadcasting – Little Mountain – Area F.

MOVED Director Sherry, SECONDED Director Krall, that Central Island Broadcasting be advised that the Regional District has no objections to the new FM license application and is willing to grant an approval in principle to the proposal.

CARRIED

Replacement Lease – Weyerhaeuser – Northwest Bay – Area E.

MOVED Director Sherry, SECONDED Director McNabb, that the Regional District of Nanaimo support the referral request pending the application and issuance of a development permit.

CARRIED

Request for Provision of Park Land Dedication & Creation of Non-Contiguous Parcel – WR Hutchinson, BCLS on behalf of BOA Developments Ltd. – Nanaimo River Road & South Forks Road – Area C.

MOVED Director McNabb, SECONDED Director Sherry,:

1. That the request submitted by WR Hutchinson, BCLS on behalf of BOA Developments Ltd., to offer additional dedication of park land as part of the subdivision of District Lot 3, Douglas District, be accepted in the amount and location as outlined in the staff report; and
2. That the request for the creation of a non-contiguous parcel be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

IN CAMERA

MOVED Director Sherry, SECONDED Director Korpan, that pursuant to Section 242.2(1)(h) of the *Local Government Act* the Committee proceed to an In Camera Meeting to consider a matter of litigation or potential litigation affecting the Local Government.

CARRIED

ADJOURNMENT

MOVED Director Sherry, SECONDED Director Korpan, that this meeting terminate.

CARRIED

TIME: 8:01 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
APR 10 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	

MEMORANDUM

TO: Stan Schopp
Manager, Building Inspection Services

DATE: April 5, 2001

FROM: Allan Dick
Senior Building Inspector

FILE: 3810-20

SUBJECT: Local Government Act - Section 700 - Contravention of Bylaw
Meeting Date - April 17, 2001

PURPOSE

To provide for the Committee's review, proposed Section 700 filings on properties which have outstanding occupancy or safety issues that contravene Building Bylaw No. 1000.

BACKGROUND

The individual area inspectors have worked closely with the property owners to resolve outstanding issues prior to the sending of letters. A minimum of two letters addressing deficiencies has been sent to the registered property owners. Where required, the Manager and/or the Senior Building Inspector have been involved with proposed resolutions. At this time we are unable to approve construction at the indicated addresses.

SUMMARY OF INDIVIDUAL INFRACTIONS

Electoral Area 'A'

- Owners Name: Roger and Sylvia Margetish
 Legal Description: Lot 1, Section 10, Range 1, Cedar District, Plan 23681
 Street Address: 2223 Cedar Road
 Summary of Infraction:

 - permit expired letter sent March 5, 2001
 - inspector met with owner March 20th, 2001. Owner informed inspector she would not comply with Bylaw
 - Senior inspector contacted owner April 4, 2001. Owner refuses to renew permit. 700 filing process explained.
- Owners Name: Jozo Mihalj
 Legal Description: Lot 31, Section 14, Range 2, Cedar District, Plan VIP59885
 Street Address: 2350 Hemer Road
 Summary of Infraction:

 - permit expired letter sent March 14, 2001
 - owner phoned March 26, 2001; stated he is not renewing building permit
 - forward to senior inspector for 700 filing

Electoral Area 'B'


1. Owners Name: Julia Allen
Legal Description: Lot 2, Section 6, Gabriola Island, Nanaimo Land District, Plan 42450
Street Address: 2925 North Road
Summary of Infraction:
- filing was deferred March 2001
 - sent letter January 15, 2001 regarding work completed that does not conform to original building plans
 - follow up letter sent February 15, 2001
 - attempted to contact owner by phone March 7, 2001. No longer at that number and no forwarding number
 - inspection scheduled for March 26th postponed until April 9th, 2001.
 - owner informed that enforcement action will commence

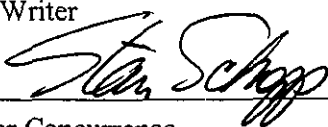
Electoral Area 'G'

1. Owners Name: Catherine and Peter Young
Legal Description: Lot 12, Block 8, District Lot 88, Newcastle District, Plan 1223
Street Address: 225 Cortes Road
Summary of Infraction:
- Stop Work order posted October 8, 1998
 - certified letter regarding Stop Work sent April 13, 1998
 - BP 21877 issued March 29, 1999
 - letter sent to call for inspections May 11, 2000
 - occupancy required letter sent August 14, 2000
 - Stop Work posted September 27, 2000; building appears complete; no inspection called
 - sent letter to call for inspection September 29, 2000
 - file forwarded to senior inspector for 700 filing March 1, 2001
 - senior inspector attempted to contact owner April 3, 2001
 - Senior inspector attempted to contact owner April 4, 2001; left message on machine; no response
 - April 5, 2001 – house appears to be for sale

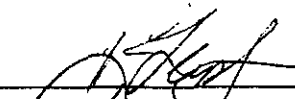
RECOMMENDATION

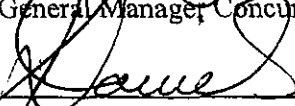
That a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued.



Report Writer


Manager Concurrence



General Manager Concurrence


C.A.O. Concurrence

COMMENTS:

devsvs/reports/2001/3810-20-sec700April.doc



REGIONAL DISTRICT OF NANAIMO			
APR 10 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
		DSC	✓
		DATE:	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: April 9, 2001

FROM: Deborah Jensen
Planner

FILE: 3360 30 0101

SUBJECT: Zoning Amendment Application – Brown/Madsen
Electoral Area 'C' – Timberlands Road

PURPOSE

To receive the minutes of a Public Information Meeting held March 14, 2001 at Waterloo Elementary School on Zoning Amendment Application No. 0101 Brown/Madsen.

BACKGROUND

The Regional District of Nanaimo received an application to rezone an 8.08 ha property (19.97 acres) from Resource Management 9 (RM9) to a new Resource Management 10 (RM10). The subject property is located along Timberlands Road (*see Attachment 1*).

A Public Information Meeting for this application was held March 14, 2001 at Waterloo Elementary School. Approximately 96 people attended this meeting (*see Attachment 2 - Minutes*).

Upon review of comments received from the public, the applicant has withdrawn the application to rezone the subject property.

ALTERNATIVES

1. To receive the minutes for information.
2. To receive the minutes for information and provide direction to staff.

PUBLIC CONSULTATION IMPLICATIONS

The subject property is located in an area of large properties predominately zoned Resource Management, with one Industrial 4 (IN4) parcel located on Timberlands Road across from the subject parcel. The majority of lands in the area are within the Forest Land Reserve or Agricultural Land Reserve; provincial legislation is applicable to lands within the Reserve Areas and in some instances, provide for uses that are beyond what would be allowed by local government regulations. Conflicts between residential use properties and existing and proposed resource or industrial uses are becoming an issue in the area, and this conflict was the primary topic at the Public Information Meeting.

The submissions to the Public Information Meeting included requests for the RDN to act to restrict the development of resource uses that would be in conflict with the surrounding rural residential uses and that could have an impact on the aquifer. Suggestions included down zoning resource lands to rural to restrict primary processing uses, establish regulations that would regulate gravel extraction, establish new ground water protection development permit areas and generally to limit development over the aquifer.

It should be noted that development permit areas have been established throughout Electoral Area 'A' and Electoral Area 'C', and apply to land considered environmentally sensitive and which may be affected by commercial, industrial or multi-family residential development. Both official community plans speak to the protection of the Cassidy Aquifer.

It is apparent, however, that citizens in attendance at the Public Information Meeting consider aquifer protection to be an issue requiring further study and attention. In addition, citizens indicated that the potential for land use conflicts in the area between residential and resource/industrial land uses also is an issue requiring further review. Overall, area residents were requesting that RDN staff be directed to complete a assessment of the potential for future land use conflicts and for the Board to consider implementing new regulations that would limit conflicts and provide increased protection of the aquifer.

The Board has undertaken a number of initiatives that could potentially address some of these concerns including the Aggregated Management Study and environmental protection policies included in OCP's and the Growth Management Plan. However the jurisdiction of the Province over agriculture, forestry and mining and gravel extraction limit the RDN's ability to implement additional regulations. Staff have previously evaluated ground water protection regulations however in the absence of ground water protection legislation the most effective way to limit impacts would be to further restrict permitted uses and subdivision through zoning.

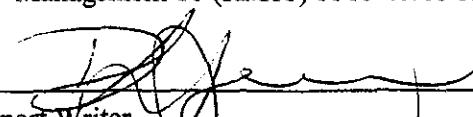
SUMMARY/CONCLUSIONS

This is an application to rezone an 8.08 ha property (19.97 acres) from Resource Management 9 (RM9) to Resource Management 10 (RM10) for the purpose of developing a pole peeling facility. The subject property is located near Timberlands Road. Public concerns voiced at the Public Information Meeting focused primarily on the protection of the aquifer and the potential for land use conflicts in the area.

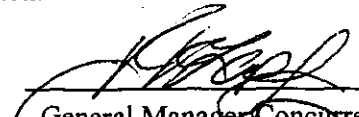
Based upon public comments received at a Public Information Meeting held March 14, 2001 at Waterloo Elementary School, the applicant has withdrawn this application to rezone the subject property.

RECOMMENDATION

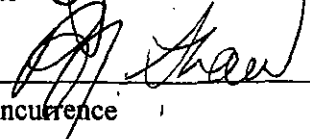
1. That the minutes for a Public Information Meeting held March 14, 2001 for Amendment Application No. 0101 submitted by Anders Madsen, acting as Agent for Nancy Brown, to rezone the subject property legally described as Lob B, Block 87, Bright, Douglas and Cranberry Districts (Lying Within Said Bright District), Plan VIP54950, from Resource Management 9 (RM9) to Resource Management 10 (RM10) be received for information.



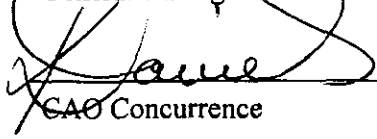
 Report Writer



 General Manager Concurrence



 Manager Concurrence



 CAO Concurrence

COMMENTS:

reports/development/2001/za3360 30 0101 ap Brown Madsen pim mins.doc

REGIONAL DISTRICT OF NANAIMO

**SUMMARY OF PROCEEDINGS OF A PUBLIC INFORMATION MEETING
HELD WEDNESDAY, MARCH 14, 2001 AT 7:00 PM
AT WATERLOO ELEMENTARY SCHOOL
TO CONSIDER BYLAW NO. 500.272, 2001**

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.

Present:

E. Hamilton	Director, Electoral Area 'C'
L. Elliott	Director, Electoral Area 'A'
Mike Steves	Otter Point Timber Ltd.
Anders Madsen	Otter Point Timber Ltd.
Robert Lapham	General Manager, Development Services
Deborah Jensen	Planner

There were approximately 96 people in attendance.

Director E. Hamilton opened the meeting at 7:05 pm and followed with greetings to the public and an introduction of the head table.

The General Manager stated the purpose of the public meeting, and provided a general overview of the proposed bylaw amendment for the Timberlands Road rezoning.

Mike Steves provided a general overview and the reasons for the proposed rezoning.

The General Manager invited questions from the audience.

Robert Duncan, Timberlands Road, Cassidy, BC, stated the proposed location for chip bins is on a portion of the site where water accumulates, and described the inevitability for bark accumulation on the ground. Robert Duncan expressed concern with respect to the possibility of processing cedar as cedar hog is very toxic.

Mike Steves responded by stating they will be processing some cedar using a hammer hog. Mike Steves also stated that accumulations of cedar hog will be disposed of, and plans are underway to modify the proposed siting of the plant.

A resident of Rondalyn resort is concerned with the noise factor of the proposed use.

Mike Steves responded by stating the plant should be operating at a decibel reading of 62. Mike Steves indicated the general noise level on site with airplane traffic and wildlife noise has been recorded with a decibel reading in the low 50s.

Richard Tomborello, David Road, Ladysmith, BC, stated the community is not being provided the specifics of the proposal. Richard Tomborello is concerned with noise that will occur from the proposed operation and related traffic, and inquired whether covenants could be utilized for earth berms. Richard Tomborello also inquired whether the RDN could rezone the area so that the rural character is maintained.

The General Manager responded by stating noise could be limited by regulating hours of operation and, in its current form, the proposal suggests noise generated from the site would be limited to during hours of operation.

Mike Steves responded by stating the proposed operation is 1.5 km from most residences, and does not perceive noise produced from the operation will travel over a large area.

A resident of Cassidy inquired as to the economic break-even point of the operation. The resident also inquired whether anyone could start an activity allowed under the current regulations, and whether it was possible to find a more reasonable use for the area.

Mike Steves responded by stating the operation must average 70 m³ per day to reach an economic break-even point.

The General Manager responded by stating that much of the current resource zoning in the area is historical. The General Manager made reference to the process for referral to other agencies, utilizing provincial guidelines for sensitive areas, and confirmed that factors such as containment pads and confined storage must be recognized. The General Manager also addressed the role of the RDN in advising clients to specify how they will protect resources.

Charmaine Williams, Timberlands Road, Cassidy, BC stated the client is proposing to run 10 trucks per day, which will add to the existing truck traffic utilizing Timberlands Road. Charmaine Williams indicated the road is not adequate for this traffic, and that these trucks do not pay heed to animals or pedestrian traffic.

Dennis Waller, Carmichael Road, Ladysmith, BC, stated there is a continual, irritating noise resulting from this type of operation.

Mike Steves responded by stating that the safety noises resulting from operations are a requirement of the WCB.

A resident of Cassidy, BC, reiterated that the OCP for the area states the aquifer area must be carefully developed.

The General Manager responded by suggesting these OCP statements could refer to no processing activities, or to placing restrictions on how these activities are operated.

A resident of Buffalo Trail, Ladysmith, BC, inquired whether the applicant will be using any chemicals, and whether they will be using casings, cement pads, and encasing the chains to minimize noise.

Mike Steves responded by stating no chemicals will be used, and only green wood will be shipped. Mike Steves indicated the peeling head will be enclosed in a building and the hog will remain outside; however, they could consider installing concrete around the hog head. Mike Steves proceeded to explain how the barker will operate, and indicated chains are already covered with plastic.

Janeane MacGillivray, Timberlands Road, Cassidy, BC, stated she is very concerned with the status of the aquifer, and suggested it is time to undergo a thorough examination of the aquifer.

The General Manager responded by stating that, for any application, the Regional Board may direct staff to take steps regarding any of the concerns raised throughout the process.

Mike Fall, Cameron Road, Ladysmith, BC, resides within the Cowichan Valley Regional District and stated that any activity affecting the aquifer must be strictly reviewed. Mike Fall questioned why the Regional District of Nanaimo is not very stringent with regulations where the aquifer flows in to the CVRD.

The General Manager responded by stating the RDN currently has development permits on much of the area, including commercial and industrial use properties, but that land in the ALR and FLR is exempt from local government regulations. The General Manager also indicated the Regional Board has not elected to restrict uses regarding primary processing, but it is still possible to place conditions on the proposed operation.

A resident of David Road, Ladysmith, BC, indicated he is opposed to the proposal and does not believe there should be any further rezoning on the aquifer. The resident suggested studies of the aquifer should be undertaken and a moratorium implemented restricting further development. The resident also questioned what will happen to the site when the pole peeling facility is no longer there, yet the site has been rezoned.

The General Manager responded by stating vulnerable areas have been identified within the region, particularly as a result of mobile home park and airport development. The General Manager stated that all development in the Cassidy area is creating effluent and causing concern.

Jack Brown, Timberlands Road, Cassidy, BC, inquired who was responsible for road maintenance, stating there are no sidewalks within the area and the road is not designed for heavy traffic. Jack Brown requested the RDN approach MOTW to rectify the situation.

The General Manager responded by stating responsibility for the road lies with the Ministry of Transportation and Highways.

R. Tuson, Timberlands Road, Cassidy, BC, stated residents of Rondalyn Resort live in close proximity to the proposed pole peeling facility. R. Tuson stated that during the resident meeting, Mr. Madsen indicated their business would entail an estimated 15 trucks per day, but when asked about waste and other aspects of the operation, this also entailed the use of more trucks.

Wayne Winters, Mica Place, Ladysmith, BC, asked about the economic impact of the operation.

Mike Steves responded by stating the operation will employ five people on site and, with ancillary jobs, should employ a total of 14 people.

A resident of Cassidy suggested that the airport and the proposed operation cause great stress for the residents, and inquired whether the proposal could be located on a more remote site.

Bill Ponchuk, Hallberg Road, Cassidy, BC, inquired as to the economic feasibility of placing the entire proposed operation on a concrete bed.

Mike Steves responded by stating that construction of a concrete bed would cost approximately \$50,000 per acre, and indicated they would like to construct more slabs as it becomes financially feasible to do so.

Jean Klies, Timberlands Road, Cassidy, BC, stated that other impacts should also be considered, including quality of life, noise factors, and property values.

Linda Lee, Timberlands Road, Cassidy, BC, stated that, subsequent to development of Rondalyn Resort, the OCP was amended to remove campgrounds as a use, and inquired whether the RDN could review the removal of this use and instead restrict industrial development within the area.

The General Manager responded by stating campgrounds were removed from resource zones due to safety issues; however, Rondalyn Resort is already located in the area and conflict will arise due to proximity with resource areas. The General Manager indicated the presence of ALR and FLR land in the area could result in significant activity on this land. The General Manager also suggested that, to date, there has not been any strong direction from the community with respect to restricting uses in the area.

A resident of Cassidy, BC, stated water will run off the logs and seep in to the ground.

A resident of the area inquired why Director Hamilton did not initially hold a public information meeting.

Director Hamilton responded by explaining the RDN no longer has an APC and now holds public information meetings for rezoning applications. Director Hamilton indicated the RDN generally holds a PIM if it appears there will be any issues and, with respect to this application, she had not received any phone calls. Director Hamilton stated she had personally attempted to contact Mrs. Lee with respect to the application and its proximity to Rondalyn Resort, and suggested Mike Steves contact the neighbourhood residents. Director Hamilton also reaffirmed that initial notification of the application was mailed to residents.

The General Manager responded by stating the PIM was waived as the application did not appear to be a problem, but indicated a public hearing would still have been held. The General Manager also stated a decision was made to hold a PIM when the report came forward and comments were heard, and if concerns could not be properly addressed, then the application could be refused by the Board.

Marcia Mellon, Timberlands Road, Cassidy, BC, inquired why Director Hamilton did not notify more of the residents.

Director Hamilton responded by stating a public information meeting will be held for every rezoning application, but reiterated a public hearing would have been held for this application.

A resident of the area inquired if the RDN would record community opposition to the proposal.

A resident of the area requested the unanimous vote of opposition taken by the residents at this meeting be recorded.

A resident of the area stated he had attended the neighbourhood meeting at Rondalyn Resort, where the applicant indicated the site had been chosen due to proximity to the highway, ferries and rail, and that there was a possibility of shipping poles to Mexico and eastern Canada. The resident inquired where these poles would be loaded.

Mike Steves responded by stating there are two nearby locations where the poles can be loaded and shipped by rail.

Dave Winnere, Cassidy, BC, asked if the applicant currently operates a pole peeling plant.

Mike Steves responded by stating the plant they have purchased is currently disassembled.

A resident of the area stated the proposal suggests the creation of five jobs, but indicated this would be at the expense of Rondalyn Resort as it would jeopardize their business.

A resident of the area inquired why the subject property is zoned RM9 when other properties in the area are zoned RM1.

The General Manager responded by stating the RM1 zone is historic and the other zones have been more recently adopted.

A resident of the area inquired how agriculture and forestry became permitted uses in the area, and suggested this may be impacted by natives asking for all private forest land activity be put on hold until claims are settled.

The General Manager responded by stating the subject property was recognized as private land at some point, and this is why it is not in the FLR.

A resident of the area stated the applicant will only use 6 to 10 acres of the purchased 20 acres, and inquired what will be done with the remainder.

Mike Steves responded by stating there are no plans for the remainder of the property.

Linda Lee, Timberlands Road, inquired whether gravel extraction will become the primary use if the pole peeling operation is not successful.

Mike Steves responded by stating the intent is to use on-site gravel for their own purposes and have no plans to perform any other gravel extraction.

The General Manager responded by stating the intent is to leave the zone as it currently reads, and add the additional use. The General Manager indicated it is possible to restrict the zone to only one use.

A resident of the area inquired whether the proposed zone would allow for residential use.

The General Manager responded by stating the zone would allow for residential use, but also indicated an applicant may wish to restrict other uses.

A resident of the area inquired how the Cassidy area could be rezoned so uses are restricted and the rural character of the area is retained.

The General Manager responded by stating the residents can write letters to their area representatives or to the Board of Directors.

Jeanine McGill inquired if Mike Steves or the RDN referred the proposal to other agencies.

Mike Steves responded by stating the RDN has the authority to make the necessary referrals.

The General Manager responded by stating MOTH has a wide scope of responsibility and MOE has limited authority to protect ground water. The General Manager also stated that it is generally the responsibility of local government to introduce new regulations.

A resident of Cameron Road stated that if this proposal proceeds, it will be very difficult to restrict similar development in the future. The resident inquired whether the applicant had looked at other sites, such as a potential location on Ladysmith Harbour.

Mike Steves responded by stating the proposed site in Ladysmith is not large enough, and that the subject property on Timberlands Road was well removed from residential areas.

Mike Foley, Timberlands Road, Cassidy, BC, stated that the roads are not safe for existing traffic loads, and inquired if the applicant had considered purchasing the 14-acre parcel formerly known as the Cassidy Drive-In.

Mike Steves responded by stating this property was not for sale during the initial property search.

The General Manager stated that a summary of the public information meeting and all correspondence will go forward to the Regional Board.

A resident of the area stated residents are strongly opposed to the application and inquired what information will be presented to the Board, what position staff will take on the application, how comments will be addressed, and what steps will be taken to protect the aquifer.

Director Hamilton responded by stating the report will be reviewed at the April DSC, the resident concerns will be taken to the Regional Board, and she will be investigating how to address the wishes of the community.

Director Elliott responded by stating he will also present the community concerns to the Regional Board.

A resident of the Cassidy Mobile Home Park stated his property value will decrease if this application goes forward.

A resident of the area stated studies have been published about the aquifer, and inquired why this information was not recognized.

The General Manager responded by stating that publications are in existence, but there are currently no regulations in place for maintenance of the aquifer.

A resident of the area thanked the Regional District for listening to their concerns.

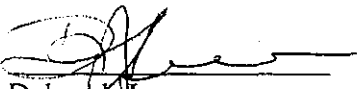
A resident of the area stated the Regional Board should be presented with the community's concern for any proposed industrial development within the area.

The General Manager asked if there were any final questions or comments. Being none, the General Manager thanked those in attendance and announced that the public information meeting was closed.

A petition was submitted by 178 people who are in opposition of the application (*see attached sample*).

A petition was submitted by 154 people objecting to the proposed rezoning on Timberlands Road to accommodate Industrial use for Parcels 1 and 2 (*see attached*).

The meeting concluded at approximately 8:34 pm.


Deborah Jensen
Recording Secretary



REGIONAL DISTRICT OF NANAIMO

ATTENDANCE LIST

PUBLIC INFORMATION MEETING

LAND USE AND SUBDIVISION
BYLAW AMENDMENT BYLAW
NO. 500.272, 2001

March 14, 2001, Waterloo School

NAME (Please print)	STREET/ROAD
Shirley Strahl	Timberland Rd
Mick Innes	" "
Otto Wuerch	" "
Stan Jarvis	" "
BERTHA SMITH	" "
MURIEL DALGIE	" "
SIVARON VALLEY	" "
Jack McHugh	" "
R. Tyson	20 1350 TIMBERLANDS RD
Lois Kessie	60 1572 Seabird Rd.
Frank Burnett	TIMBERLANDS RD #31
Ernie Muckle	#6-1572 Seabird Rd, Cassidy Pk.
John Muckle	" Cassidy Park
GERARD BROWN	54-1572 SEABIRD
J. Dault	Cassidy Park
Don Vintehurn	1572 Seabird Road
Charlotte Thompson	#10-3560 Hallberg Rd.
Tom & Muriel Graham	3161 Angus Rd Cassidy
Joe Hermine Williams	#16-1350 Timberlands Rd.
Annell J. Duff	#30-1350 TIMBERLANDS RD
LORRAINE A DUFF	" "
Dora DISKIN	13040 CAMERON RD.



REGIONAL DISTRICT OF NANAIMO

ATTENDANCE LIST

PUBLIC INFORMATION MEETING

LAND USE AND SUBDIVISION
BYLAW AMENDMENT BYLAW
NO. 500.272, 2001

March 14, 2001, Waterloo School

NAME (Please print)	STREET/ROAD
Art Tully	Carmichael Rd Ladysmith
Jan Tuhkan	Carmichael Rd Ladysmith
SUSAN JARVIS	TIMBERLANDS RD.
PHYLLIS PAKSI	TIMBERLANDS Rd.
DARLENE CROWE	TIMBERLANDS RD.
EVELYN WEINBERGER	TIMBERLAND RD.
Beth Loucks	Seabird Road
Louleen Duncan	Hallberg Rd
Robert Duncan	Hallberg Rd.
A. Seltzer	Timberlands Road
S. Seltzer	Timberlands Road
E Mackay	Timberland Road
R Mackay	Timberlands Road
H. Beerta	Timberland Park
A. Beerta	" "
B. Crowe	" "
WH Smith	Timberland Road.
R. CLAUSEN	BENHAM Rd.
Lena Clausen	Benham Rd.
GERALD BROWN	54-1572 SEABIRD
George Riemen	#28 Timberland
Ruby Riemen	#28 Timberland



REGIONAL DISTRICT OF NANAIMO

ATTENDANCE LIST

PUBLIC INFORMATION MEETING

LAND USE AND SUBDIVISION
BYLAW AMENDMENT BYLAW
NO. 500.272, 2001

March 14, 2001, Waterloo School

NAME (Please print)	STREET/ROAD
KC BULLOCK	Seabird
Ray BULLOCK	Seabird
Hilda Friese	Timberland
Ann Wilkinson	Timberland
P. Wilkinson	Timberland
B. Richter	CAWCRON RD.
A. Johnson	
P. JOHNSON	TIMBERLANDS
K. JOHNSON	" "
Etta Runt	Garmichael Rd
Richard Tomlinello	Dave Rd.
M.P. Sullivan	Main Rd
M. J. Foley	Timberlands Rd
Tom O'Sullivan	Main Rd Cassiot.
Lajos BAZSO	3500 Buffalo trail
WAYNE WINTERS	1700 MANCA PLACE
SHARON WINTERS	" "
BRUCE WINTERS	" "
ROBERT SEIT	1350 TIMBERLANDS RD

**IMPORTANT NOTICE
to ALL CASSIDY & AREA RESIDENTS**

**Please attend the R.D.N. meeting on:
WEDNESDAY MARCH 14/01 @ 7:00 P.M.
at WATERLOO ELEMENTARY SCHOOL.
Give the R.D.N. this strong message:
WE DON'T WANT INDUSTRIAL
DEVELOPMENTS IN OUR RURAL
RESIDENTIAL COMMUNITY.**

There are two proposed INDUSTRIAL developments in the Cassidy area. One is a log processing facility: a pole peeling plant. The other proposal is not finalized, but it is suggested that it will be a combination of a gravel pit, sawmill and wood manufacturing businesses. Both projects are to be located on Timberlands Road. Both are on the aquifer. Both would become an integral part of our rural community. We are deeply concerned about:

1. CONTAMINATION of our AQUIFER.
2. EXTREME NOISE DURING UNDEFINED OPERATING HOURS.
3. INCREASE IN HEAVY TRUCK TRAFFIC.
4. DEVALUATION OF OUR PROPERTIES.
5. LOSS OF OUR RURAL QUALITY OF LIFE.
6. INABILITY TO STOP FUTURE INDUSTRIAL DEVELOPMENTS, IF ONE IS ALLOWED IN OUR COMMUNITY.

If you cannot attend this meeting, please sign this paper, PRINT your name and address and send it with a neighbor, drop it off at Timberlands Store or Cassidy General Store or mail it to the Regional District of Nanaimo Office (6300 Hammond Bay Rd., Nanaimo, B.C. V9T 6N2)

I OPPOSE the re-zoning of Lot B VIP54950 which would allow a pole peeling plant and indicate my opposition by my signature, below

Jane Walton
SIGNATURE

JANE WALTON
PRINT NAME

ADDRESS 3449 HALLBERG RD, LADYSMITH, BC V9A 1K

February 26 2001

#1
154

OBJECT TO THE PROPOSED RE-ZONING ON TIMBERLANDS ROAD TO
ACCOMMODATE INDUSTRIAL USE. (ie: PARCELS 1 AND 2

NAME

ADDRESS

SIGNATURE

E. GILBERTSON	85-3560 HALLBERG RD LADYSMITH	Eleanor Gilbert
D. WILIAMSON	86-3560 HALLBERG RD LADYSMITH	D. Williams
3 Paetz	32-3560 Hallberg Rd LadySmith	Paul Paetz
4. Nelson	43-3560 Hallberg Rd. LadySmith	Stenna Nelson
7. FORRESTER	#33-3560 HALLBERG Rd	A. Jones
>. Berry	81-3560 Hallberg Rd.	B. Berry
V. BePardur	26 3560 Hallberg Rd.	Nora Pouchu
Wilson	80-3560 Hallberg Rd.	Raymond Wilson
7 SKORPAD	#79-3560 Hallberg Rd.	SK
D SKORPAD	#79-3560 Hallberg Rd.	SK
2. LANDRY	#24-3560 Hallberg Rd	Landry
A HARRIS	#78 3560 Hallberg Rd	Gil Harris
B. MERRITT	#16 3560 Hallberg Rd	Billie Merritt
B. ANDREWS	#14 3560 HALLBERG RD	B. Andrews
D BOUCHER	13.3560 HALLBERG RD	D. Boucher
T.G. HADDICK	#1-3560 HALLBERG RD	T.G. Haddick

PAGE 1

OBJECT TO THE PROPOSED RE-ZONING ON TIMBERLANDS ROAD TO ACCOMMODATE INDUSTRIAL USE. 16: PARCELS 1 AND 2

NAME

ADDRESS

SIGNATURE

M. PASACRETA	#70-3560 HALLBERG RD	LADYSMITH B ^o	M. Pasacreta
J. Cummings	#103-3560 Hallberg	" "	John Cummings
J. Cummings	" "	" "	John Cummings
J. Paul	#58 HALLBERG RD #3560		Sid Paul
K. Muzgar	#100 Hallberg R.D		Kath Muzgar
Lynday Webb	56-3560 Hallberg Rd.		Lynday Webb
J. W. WARGE	52-3560 HALLBERG RD.		J. W. Warge
E. GIMMER	#92 3560 HALLBERG RD		Eric Gimmer
Mildred Owen	48-3560 Hallberg		Mildred Owen
BENITA Gillett	#91-3560 HALLBERG		Benita Gillett
Steve Huber	#90-3560 Hallberg		Steve Huber
Phyllis Huber	#90 3560 Hallberg		Phyllis Huber
LYNN BAILEY	#89 3560 HALLBERG		Lynn Bailey
VICTOR CRICK	#40 3560 HALLBERG RD.		Victor Crick
Gene & Don Leischnier	39 3560 Hallberg Rd		J. L.

PARGEL # 1 (NEAR HASLAM RIVER)

NAME	ADDRESS (print)	PHONE #	SIGNATURE
Gabrielle Edwards	#132	245-5375	G. Edwards
Victoria Peters	#131 TIMBERLAND M.H.P.	245-3647	V. Peters
Lillian Braduka	#125 TIMBERLAND M.H.P.	245-5789	L. Braduka
Dawn Schult	#131 TIMBERLAND	245-4559	D. Schult
LEANNIE McDONALD	#133 TIMBERLAND	245-3672	L. McDonald
IAN McDONALD	#133 TIMBERLAND	245-3672	I. McDonald
CATHIE MACKENZIE	#19 TIMBERLAND RD	246-0132	C. Mackenzie
77 Boulder	#110 TIMBERLANDS	245-8041	M. Bowl
HANK VOTH	116 "	245-3989	H. Voth
ROSE VOTH	116 "	245-3989	R. Voth
D. BEDDIS	137 " " "	245-7207	D. Beddis
F. BEDDIS	127 " " "	245-7207	F. Beddis
Sharon Dysant	126 "	245-8608	S. M. Dysant
Fred Dysant	126 "	"	F. M. Dysant
A Ramsay	124 "	245-8883	A. Ramsay
M. Jellis	122 " "	245-8012	M. Jellis
J. V. Downes	1707 Palmetto	245-5081	J. V. Downes
Nora Leonard	98 Timberlands	245-5611	N. Leonard
W. Roberts	27 Timberlands	245-4653	W. Roberts
R. WILKINSON	#4-3530 TIMBERLAND	245-2508	R. Wilkinson
JOWATT	"	245-8067	J. Jowatt
KATHLEEN WATT	"	"	K. Watt
Charles E. Thompson	123	245-7724	Charles E. Thompson

PARCEL # 1 (NEAR HASLAM RIVER)

NAME	ADDRESS	PHONE #	SIGNATURE
	(print)		
FLOYD PETERS	#130-1736 TIMBERLANDS	245-3647	Floyd Peters
Hank Beeta	#114-1736 Timberland	245-5712	Hank Beeta
T. Martin	#138-1736	245-0740	T. Martin
Jennie Douglas	#113-1736 TIMBERLANDS RD	245-2411	Jennie Douglas
Ray Reed	#158 HALLBERG Rd.	245-0096	Ray Reed
HAILE, FREDERIKSSON KARLA FREDERIKSSON	112-1736 Timberland	245-5321	Karla Frederiksson
SVEN FREDERIKSSON	112-1736 TIMBERLANDS R.D	245-5321	Sven Frederiksson
WENDY VOTH	111-1736 TIMBERLANDS	245-7150	Wendy Voth
BILL VOTH	111-1736 TIMBERLANDS	245-7150	Bill Voth
VERNA SCHERR	106 1736 Timberland	245-9955	Verna Scherr
Vera MITGOR	105 XX	245-1114	Vera MITGOR
IRMGARD BERCHTOLD	#143 "	245-4413	Irmgard Berchtold
HANS BERCHTOLD	#143 "	245-4413	Hans Berchtold
Doug GABNE	142 "	245-9969	Doug Gabne
ALICE GABNE	142 "	245-9969	Alice Gabne
HELEN COWIE	141 "	245-5815	H. Cowie
G.A. COWIE	141 "	245-5815	G.A. Cowie
A.J. WHARLIE	140 "	245-5620	A.J. Wharlie
CAROL WHARLIE	140 "	245-5620	Carol Wharlie
Kelly CAMACHO	108 "	245-0066	Kelly Camacho
Frank	108 "	245-0066	Frank
Alma	139 " "	245-7198	Alma
GERRY GUERIN	135 " "	245-3315	Gerry Guerin
W.H. EDWARDS	132 "	245-5375	W.H. Edwards

POLE PEELING PLANT

PARCEL # 1 (NEAR HASLAM RIVER)

NAME	ADDRESS	PHONE #	SIGNATURE
	(print)		
RONALD JOHNSON	TIMBERLAND RD	245 0818	R. Johnson
MAUREEN PETERSON	MALUCA PIC	245 9332	M. Peterson
Tim Peterson	Mamca PL	245 9332	Tim Peterson
BEA JOHNSON	1350 TIMBERLAND	245 0818	B. Johnson
GORD BAMFORD	5675 TAKALA RD	245-5223	G. Bamford
Brenda Bamford	5675 TAKALA Rd	245-5223	B. Bamford
DONALD McLEAN	#71 3560 HALLBERG RD	245-7127	D. McLean
Diane Maille	1752 Yowels Rd	245-0342	Diane Maille
Les Johnson-Krawe	1572 Seabird Rd	245-4565	L. Krawe
R A HANNIN	1572 Seabird Rd #4	245-4095	R. Hannin
P. SCHULSON	5580 Takala Rd	245-3369	P. Schulson
E. MUCKLE	#1572 Seabird Rd	5-5008	E. Muckle
B Loucks #65	1572 Seabird Rd	245-5663	B. Loucks
JOAN MUCKLE	Cassidy Park	245 5008	Joan Muckle
Joan Muckle	Seabird MHP	245-8602	Joan Muckle
Bruce Row	1350 Timberland	245-3239	B. Row
D. Crowe	1350 Timberland	245-3239	D. Crowe
B. WILLIAMS	1350 TIMBERLANDS	245-2318	B. Williams
J. WILLIAMS	✓	✓	J. Williams
Colleen Muncie	#44 3560 Hallberg Rd.	714-8157	C. Muncie
Deeann Frazer	1350 Timberland	245-0511	D. Frazer
DAWG CARL	5735 TAKALA RD	245-4864	D. Carl
Mary Ann	5735 Takala Rd	245-4864	M. Ann
BERTHA SMITH	1734 Timberland Rd	245-8588	B. Smith

PAGE 3

PARCEL # 1 (NEAR HASLAM RIVER)

NAME	ADDRESS	PHONE #	SIGNATURE
	(print)		
Desiree Stockhausen	1550 Carden Rd Cassidy	245-4375	except for trailer park allowance <i>[Signature]</i>
Richard Tombarello	5692 DAVID RD	245-0345	<i>[Signature]</i>
LINDA Tombarello	SAME	11	<i>[Signature]</i>
HANK DELTRER	Rondax N PK.	245-0337	<i>[Signature]</i>
SHARLEY SECTER	" "	245-0837	<i>[Signature]</i>
Bela Rogers	Cassidy Park	245 0032	B. Rogers
JEAN KLIES	12-1350 TIMBERLANDS	245 4962	J. Klies
D KLIES	"	-	<i>[Signature]</i>
Otto Wuerch	Fedysmith	245-9971	Otto Wuerch
E. Weinberger	5-1350 Timberland Rd	245-0090	E. Weinberger
YVONNE CLARK	13095 CAMERON RD	245-3878	Y. Clark
W. Clark	13095 CAMERON RD	245-3878	<i>[Signature]</i>
Jean Hedgecock	1350 Timberlands Rd	245-0480	<i>[Signature]</i>
JEAN HEDGECOCK	" " "	" "	<i>[Signature]</i>
GERALD BROWN	1572 SEABIRD RD	245-3825	<i>[Signature]</i>
W. Dushkin	13040 Cameron Rd	245-8460	<i>[Signature]</i>
Diana	Cassidy	245 2979	
SHARON VALLEE	1350 Timberlands	245-3803	S. Vallee
John Bromley	15-3560 Hallberg Rd	245-2996	<i>[Signature]</i>
Joan BROMLEY	15-3500 Hallberg Rd	245-2996	J. Bromley
MARCIA MILLER	83-3560 Hallberg Rd	245-5551	Marcia Miller
Jeanne Miller	66- ^{LAUREL DRIVE 15720} Seabird Rd.	245-2223	Jeanne Miller
PHYLLIS PAKSI	1350 Timberlands Rd #8	245-0774	Phyllis Paksi
BRIAN DUSHKIN	13040 CAMERON RD	245 8460	<i>[Signature]</i>

PARCEL # 1 (NEAR HASLAM RIVER)

NAME	ADDRESS	PHONE #	SIGNATURE
	(print)		
Bearla Ann	Timberland Rd	245-5712	Bearla Ann
THELMA SPARKES	Timberland Rd #26	245-9971	T. Sparkes
LORCAINE DUFF	TIMBERLANDS Rd	245-8970	L. Duff
KEH DUFF	1350-TIMBERLAND	245-8970	K. Duff
WORNE VALLEE	1350-TIMBERLAND	245-3803	W. Vallee
Sam Jarvis	1350 Timberland Rd	245-5148	S. Jarvis
Dawn Hoebee	13101 Minn Rd 45	245-7378	Dawn Hoebee
FRED BURR	1350 TIMBERLANDS RD	245-5047	Fred Burr
ANGIE BURR	1350 TIMBERLANDS RD	245-5047	Angie Burr
R. TUSON	#20 1350-TIMBERLAND B	245-0630	R. Tuson
G TUSON	#20 1350 TIMBERLAND RD	245-0630	G. Tuson
E. MACKAY	#11 1350 TIMBERLANDS B	245-1248	E. Mackay
ROY MACKAY	#1 1350 TIMBERLANDS Rd	245-1248	R. Mackay
S. JARVIS	#21 1350 TIMBERLANDS B	245-5148	S. Jarvis
LINDA LEE	1591 CARDEN DRIVE	245-7522	Linda Lee
EVA STEWART	#2 1350 TIMBERLAND RD	245-5715	E. Stewart
Randall Newton	65 1350 Timberland Rd.	245-0860	Randy Newton
ROBERT DUNCAN	#1-1350 Timberland Rd	714-8157	R. Duncan
ROBERT SCOTT	23-1350 Timberland	245-9389	R. Scott
OTTO WERCH	26 1350 TIMBERLAND RD	245-9971	O. Werch
Shirley Stahl	49-1350 Timberland	245-0042	S. Stahl

MAR 12 2001

REGIONAL DISTRICT
OF NANAIMO

E.M. Anderson
R.R. 1 Seabird M.H.P.
3449 Hallberg Rd. Unit 64
Ladysmith, BC V9G 1L2
245-7254

Harry W. Fowler
R.R. 1 Seabird M.H.P.
3449 Hallberg Rd. Unit 64
Ladysmith, BC V9G 1L2
245-7254

Re Notice To Cassidy

Residents Feb 16, 2001

Your letter was not received until Feb 23/01 as we were in Vancouver for a 50th Birthday Party and unable to attend.

We realize these are Industrial uses for Paul One and two, and are inappropriate for this area.

Retired Homes for the elderly, children, water supply are major concerns.

Industrial projects should not replace Rural Residential areas. The Cassidy Aquifer should not be interred with.
E.M. Anderson

Mary Kellee & Wayne Norton #67
to Mike
Harry Fowler #64
Cindy
George & Susan

← Seabird Park
Residents



C·V·R·D

March 12, 2001

Regional District of Nanaimo
6300 Hammond Bay Road
PO Box 40
LANTZVILLE, BC V0R 2H0

**Attention: Bob Lapham, Manager
Development Services**

Dear Bob Lapham:

Re: Timberlands Road Development

Please be advised that, at its meeting of March 8, 2001, the Advisory Planning Commission for Electoral Area H (North Oyster/Diamond) passed the following motion:

"As a result of information received in the Director's report regarding area C, Nanaimo Regional District, this APC recommends that the CVRD write a letter to the Regional District of Nanaimo supporting residents in Area C concerned with the increase in traffic on Timberlands Road, due to the current application, and recommends that the Area's Official Community Plan and present bylaws be adhered to."

Additionally, every effort should be made to ensure that the Cassidy Aquifer is not impacted by the proposed development.

If you have any questions or comments, do not hesitate to contact the undersigned at your convenience.

Yours truly,

Catherine Johnnie
Long Range Planner
Development Services Department

CJ/mca

cc: Director M. Marcotte, Electoral Area H – North Oyster/Diamond

COWICHAN VALLEY REGIONAL DISTRICT

MAILING ADDRESS
137 Evans Street
Duncan, BC
V9L 1P5

ADMINISTRATION
Phone: (250) 746-2500
Fax: (250) 746-5612
E-mail: cvrd@cvrd.bc.ca

DEVELOPMENT SERVICES
Phone: (250) 746-2620
Fax: (250) 746-4136
E-mail: ds@cvrd.bc.ca

ENGINEERING SERVICES
Phone: (250) 746-2630
Fax: (250) 746-5678
E-mail: es@cvrd.bc.ca

TOLL FREE
1-800-661-3535
WEBSITE
www.cvrd.bc.ca

PAGE 34

RECEIVED

FEB 28 2001

REGIONAL DISTRICT
of NANAIMO

Milton and Levonne Brandon
12 - 1572 Seabird Road
Ladysmith, B.C.
V9G 1L3

Regarding the zoning information sent to us February 16, 2000, we have a few comments to make on the use of both parcels of land on Timberlands Road.

1. The use of the 20 acre parcel for log peeling etc. does not in our estimation seem to provide enough local employment to warrant the pollution to the water table it might cause.
2. The use of the 38 acre parcel for a vague comprehensive development zone will have such a negative effect on the Cassidy aquifer, that in our opinion there would be no justification for granting a change to the zoning.
3. We believe that before these parcels were purchased by the currant owners, they should have looked into the rural land use intended for this area. Purchasing the land and then expecting the zoning to be changed to suit their needs is unacceptable.

We purchased our home in this area because of our wish to reside in a quiet rural area. There are, we are sure, many other parcels of land already zoned for the uses specified in the notice.

Thank you for making us aware of this danger to our neighbourhood.

Levonne Brandon

Milton Brandon

PAGE
35

5470 Carmichael Rd
Ladysmith, B.C.
V9G 1L8
Feb. 27 2001

Development Services Committee
Nanaimo Regional District
Hammond Bay Rd.
Nanaimo

RE: Rezoning Application ZA0101, RM 9 TO RM 10 on Timberlands Rd.

I HAVE TWO CONCERNS:

Noise: The most annoying noise is the constant Beep, Beep, Beep, Beep from a large industrial mobile machine. The Compensation Board insists on these for safety. They are a loud piercing sound that travels a long distance. It's very irritating to listen to all day.

1. The Cassidy Aquifer:

This property is on the Cassidy Aquifer very close to Haslam Creek. Haslam Creek is one source of water for the aquifer. Contaminated surface water entering Haslam Creek enters the aquifer unfiltered.

The aquifer is covered by about 15 ft. of gravel filtering the surface water. Contaminants will find their way through this gravel, it may take years. Now you have 15 ft. of contaminated soil leaching into the water.

Water is our most valuable commodity. Every year, every month, this fact is driven home to us by incidents like Walkerton Ontario. In the future this water will be needed to supply the people wanting to live in this area. This zoning proposal could change all this forever. Where will the leach ate go? What safeguards are in place? What assurances do we have that dangerous, poisonous fluids do not get onto our Cassidy Aquifer?

These people want to peel cedar logs, making them into poles. They also are going to make fence posts and landscape ties. To be a finished product all three of these items require pressure treating. Pressure treatment of wood is a process where poisonous solutions are forced into wood to stop the wood from rotting when in the ground. If the R D N approves this application they at the least must put on a covenant stating no Chemicals to be allowed on the site.

OVER

PAGE
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The only reason the owner wants to put this industry at this site is . the land is cheep the taxes are low and the owner can sell the product at the same price as the competition situated on more expensive industrial land and put more money in his pocket. He doesn't care about You, I or the water under our feet.

Remember this great underground lake cannot be replaced. Now is the time to give careful consideration to this venture and to remember Walkerton.

Look at it this way. We have a huge lake. Some one builds a 20 acre barge and puts this operation on it. They haul away the waste but what happens to the bark falling of the logs. A large loader drives back and forth crushing it. The rain washes through the sludge and over the side into the lake you and thousands of others drink every day.

Dennis Waller

5470 Carmichael Rd
Ladysmith, B.C.
V9G 1L8
Feb. 27 2001

Development Services Committee
Nanaimo Regional District
Hammond Bay Rd.
Nanaimo

RE: Rezoning Application ZA0101, RM 9 TO RM 10 on Timberlands Rd.

I HAVE TWO CONCERNS:

1. The Cassidy Aquifer:

This property is on the Cassidy Aquifer very close to Haslam Creek. Haslam Creek is a source of water for the aquifer. The aquifer is covered by about 15 ft. of gravel filtering the surface water. Contaminants will find their way through this gravel, it may take years. Now you have 15 ft. of contaminated soil leaching into the water. Contaminated surface water entering Haslam Creek enters the aquifer unfiltered.

Water is our most valuable commodity. Every year, every month, this fact is driven home to us by incidents like Walkerton Ontario. In the future this water will be needed to supply the people wanting to live in this area. This zoning proposal could change all this forever. Where will the leach ate go? What safeguards are in place? What assurances do we have that dangerous, poisonous fluids do not get onto our Cassidy Aquifer?

Remember this great underground lake cannot be replaced. Now is the time to give careful consideration to this venture and to remember Walkerton.

Look at it this way. We have a huge lake. Some one builds a 20 acre barge and puts this operation on it. They haul away the waste but what happens to the bark falling of the logs. A large loader drives back and forth crushing it. The rain washes through it and over the side into the lake you get your drinking water from. This is the same thing.

- a. Noise: The most annoying noise is the constant Beep, Beep, Beep, Beep from a large industrial mobile machine. The Compensation Board insists on these for safety. They are a loud piercing sound that travels a long distance. It's very irritating to listen to all day.

Dennis Waller

PAGE
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received late to
Addendum,
Distributed at
meeting.
Feb. 27/01
MLJ

To: Regional District of Nanaimo

Attn: Planning/Approval Department

Re: Your meeting to be held this evening, Feb. 27, 2001

Subject: Zoning Amendment Application - Brown/Madsen
Electoral Area 'C' - Timberlands Road

Dear Sirs/Madames:

We are writing this letter to voice our concern and opposition to this rezoning. After coming to your office this morning, we are very upset that Director Hamilton did not ask for a public information meeting regarding this rezoning, citing "there are few residents in close proximity to the site, therefore a public information meeting was not deemed necessary and was not held." Did Director Hamilton consult Director Elliot (Area A) regarding this matter? This proposal does affect Area A (traffic & pollution concerns - noise and water).

When the question was asked about the contaminates that may be on the site, again we fear for our water supply, the Cassidy Aquifer, the reply was "I can not answer that question as it is not my file". It is questions like this that should be answered before a 1st and 2nd reading is even considered. I would like to urge Director Hamilton to make a motion this evening to halt the 1st and 2nd readings until a public information meeting can be held. This would inform all residents within the area. We would also like to urge all of the staff/directors present to support this motion. While in your office other questions that were asked - What exactly does log processing mean? and What does preparation of logs, fence posts, landscape ties, poles or firewood mean? These could not be answered.

The report also states "The RGMP also encourages these companies to operate in a manner that does not harm the functioning of natural ecosystems". This only encourages it does not state that they MUST operate in a manner that will not harm the functioning ecosystems. We feel your report also is missing another important condition from your Schedule No. 1. Point 2 should also include that NO hazardous or harmful chemicals/materials shall be used on site.

We are definitely opposed to this rezoning for the above reasons that have been indicated. Not to mention any noise and heavy traffic that will be created by this proposed industry.

Opposed

the Tukhams
Jan & Fred Tukham
5455 Carmichael Road - 245 7781
CVRD Area H

To Whom It May Concern:

February 27,2001

Re: 2 re-zoning applications for Cassidy, B.C.

We have recently received a letter about two applications being presented to the RDN for approval to operate two new industrial businesses in our rural residence. We feel that this should not be permitted. We live in the country and we wish it to remain as is. We do not want our quiet rural to be invaded with heavy equipment traffic and we do not want to have to worry about our children when they are using the roads for their pleasures, example: riding bikes, skate boarding, horse back riding and other activities. We do not want our families to be at risk by the contaminants that may occur if these applications are passed !

Cassidy is not an Industrial Area, it is a Rural Residential Area !

Thank you,

Wayne A. Winters
Sharon Winters

Phone ! 800 282-1309
Home Phone 250 245-0345
Email tombo@sympatico.com

February 27, 2001

To all representatives,
Regional District of Nanaimo,
Development Services Committee Meeting
February 27th, 2001,

RE: Opposition to rezoning of Lot B, Plan 54950, Block 87, Bright District(Timberlands Road)

Dear Representatives,

My name is Richard Tomborello. My wife and I have been the property owners of 5692 David Road since 1974. Although we live in the CVRD, our property is about 1KM, as the crow flies, from this proposed industrial development. Easily within earshot if you consider the disturbing racket that we endured, that emanated from the racetrack on Spruston Road.

Right now our home and property is known for it's peace and quiet. It's why we chose to live here 27 years ago. It's what visitors always notice first.

I'd rather be there than here tonight. But I have a concern. If this rezoning goes ahead all that we've worked so hard for is in peril.

We first learned of this proposed rezoning six days ago. One of my neighbors found out and called around to set up a community meeting. So we could discuss it.

It was called an emergency meeting by our community because;

- What appeared to be fast-tracking of the process. There are other applications, years old yet un-resolved.
- Area representative Elaine Hamilton had already waived our rights to the public information meeting and therefore our involvement in the process.
- We had fears this RDN meeting tonight could see the rezoning gain first and second reading.
- We had very little time to research and prepare ourselves.
- This rezoning will have major effects and impacts on our quality of life.
- It will negatively effect our property values
- Our-Your aquifer could be irreversibly compromised or poisoned.
- Our only access road to the highway will be crowded with heavy industrial traffic.

And nobody knew about this!

What we knew was;

- Our quiet rural community would be disrupted by the changes that were being proposed...
- And we had no involvement, what-so-ever in the decision making process.

This is where we live.

The lack of public process leaves us in an outrageous situation. Apparently without representative, democratic processes involved. An unacceptable situation in this day and age.

So this past Thursday night, two days after we 'found' out, five days before this meeting tonight, our small community held it's meeting at Rondalyn Resort. One lot away from this proposed rezoning. Over 90 people crammed the room. They would have been standing outside, given more time to organize.

Also present were two developers and their reps.

- They took part in the public discussions.
- When questioned they were consistently evasive and sometimes confused about their planned operations.
- Their facts quickly became so muddled that it was impossible to do the math. Even for them.
- At least once, the developer for Lot B threatened the community with "I'll start up tomorrow and you can't do anything about it."
- Repeatedly they were caught in attempts to mislead us.
- They stated "As far as hours of operation and frequency of truck traffic goes we're not sure what our operations will entail ." and "Hours and number of operating days depend on how big the orders are."
- Repeatedly they dodged answering how environmental concerns would be addressed. Claiming their operating plans, what they would use the site for, were not yet finalized.
- Finally, when speaking on noise they assured us. "It will be like birds chirping."

We are a rural community but we are not dumb rubes.

We have expertise in this industry within our community. And the knowledge to know when answers are not given in good faith.

I also have 17 years of journalistic experience in this province and know when things ain't right.

These are just some of the reason why, by the time they left the meeting, the community unanimously told them. "We don't want you here." and. "We'll do whatever it takes to keep you out."

So tonight, as a community;

- We are demanding a stop to this process immediately.
- We insist on exercising our rights to have a full public process.
- We are determined to be part of any future zoning decisions that have to do with this area.

Our rural community may be small in comparison to other areas within the regional district. But as you can see by tonight's turnout we are vigilant in protecting a way of life we've all become accustomed to.

We are in solidarity for the protection of this increasingly important aquifer.

We will vigorously oppose any undesirable industrial expansion in this area.

We believe that this is now a rural community. People live here. Children attend school here. People are retired here. Placing heavy industry in the middle of our community is not what we envision for our community.

If you consider what is at stake here. We stand to lose our peace of mind and have our home values reduced by this rezoning. And the larger fear, being there are other industrial requests to upgrade zoning in our area, that this is just the tip of the iceberg. If we do not defeat this rezoning and insist on compatible land use options now we might as well sell quick and move. Before we're surrounded by heavy industry.

That is not an option. This is my home of 27 years. I will endeavor to protect it.

And behind me stands my community, whose resolve is as strong as mine. So;

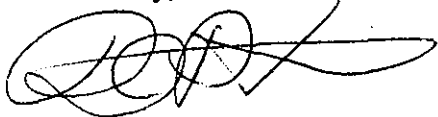
- We will vigorously resist any and all attempts to rezone our rural community to what we consider non compatible industrial.
- We will use any and all avenues open to us to defeat this or any similar proposal.
- We insist, in the future, that all zoning be in compliance with this communities plans.
- We know that a smarter, more valuable use of this property can be found.
- We believe any rezoning, at this point in time has to be sensitive to the community that surrounds it. By fitting an appropriate industry into the existing communities plans.
- We demand that our rural, peaceful quality of life be preserved.
- Essential that the aquifer be protected as the valuable resource that it increasingly becomes..

And we're prepared to fight vigorously as a community to secure these demands.

And guarantee Our vision for Our future.

What we will not do is close our eyes, shut up and go away. I hope that's clear.

Sincerely,



Richard & Linda Tomborello

p.'s.- I would like an explanation of why this proposal managed to advance so far, so fast. Before the residents of our community were properly notified or consulted. Before we had a chance to check it out. To see if it fits in.

Jensen, Deborah

From: Beetstra, Marion
Sent: Thursday, February 22, 2001 8:23 AM
To: Jensen, Deborah
Cc: Lapham, Bob; Shaw, Pamela
Subject: FW: Web Site Submission

-----Original Message-----

From: Web Site user [mailto:eltopwingsltd@home.com]
Sent: Wednesday, February 21, 2001 5:04 PM
To: RND
Subject: Web Site Submission

* E-mail Form Processing *

You have received a posting from your web page:

Name: Earl and Linda Lofstrom
Where From: 1708 Timberlands Rd, Cassidy , B. C.
Email: eltopwingsltd@home.com
How did you find us: Proposal Letter
Comment: RE: Parcel 1 re-zoning RM10 and Parcel 2 re-zoning to a comprehensive development zone. These sites are located on the west side and the south side of Timberlands Road. My husband and I are defenately against these applications. The logging traffic on this road is already busy enough and make it a chore to get out of your driveway safely. Our bigger concerns are of course the water and pollution potential. We are lucky to have the water supply we have and don't want to take any chances of polluting an entire community. There would be no quarantine that wood waste or chemical or any other substance wouldn't leach into the aquifer. With all the industrial areas around there is just no reason to target a rural area such as Timberlands. We have enough logging activity and RV activity out here. Chemainus has industrial areas available for these types of proposals.

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The gravel pit ,and the potential to put any type of processing or manufacturing plants in that large an area will pollute the aquifer and it will use water that is presently being used for irrigating small farms and servicing the residents in our area. The O.C.P. for Electoral Area A "recommends limiting the growth of industrial/commercial activities within the Cassidy area." Its OBJECTIVES are to "encourage alternative uses which are compatible with the neighborhood for those lands that are currently designated industrial."

- 3. Both proposals will increase the truck and heavy equipment traffic on Timberlands Rd. Timberlands is a narrow road, that receives minimal maintenance. That would raise serious safety concerns.
- 4. Both proposals will increase the noise and therefore disturb the quiet rural, residential nature of our properties.
- 5. Both proposals will could cause air , soil and water pollution.
- 6. Both proposals would need to address storm water management, as they plan to strip or have already stripped the land of vegetation.
- 5. There are areas that are already zoned for such high intensity industrial uses. The Cassidy area is NOT recommended to be one of those areas.

The Development Services Committee of the RDN has scheduled a meeting at the RDN office, Tuesday Feb. 27, 2001 to discuss PARCEL 1 re-zoning application. Please make written submissions about that proposal or be part of a delegation to attend and speak at that meeting. If you wish to speak , on Feb. 27, 2001, contact Maureen Pierce, RDN office, (390-4111) to be put on the agenda. Watch the newspaper for the date of the Public Information Meeting for Parcel 2. For up to date information you can log on to the RDN Website, and click on Agendas & minutes, then on calendar of events , Feb 27, 2001, Development Services Agenda.

If you wish to get more information or have comments to make on one or both of these re-zoning proposals, please attend a meeting at the clubhouse at Rondalyn Resort (1350 Timberlands Rd.) Thurs. Feb. 22 @ 7:00 P.M. If you cannot attend, please send written comments to the RDN, or with a delegate. www.rdn.bc.ca

1) - KIETH BROWN
2) -

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To Whom It May Concern,
As we are unable to attend this meeting, we
want to voice our strong opinion as to this notice
Both my husband + I are very strongly opposed the

Suzanne
Hooke

NOTICE TO CASSIDY RESIDENTS: Feb. 16, 2001. Edward Hooke
2 parcels as shown below.

There are 2 re-zoning applications that have come before the Regional District of Nanaimo, to change existing zoning to accommodate industrial use. The following is a description of the parcels in question, a description of the existing and requested zoning, and a description of the owners' intended uses.

PARCEL 1: 76 - 3560 Hallberg Rd.
This parcel is located on the west side of Timberlands Road, just before you enter the Government gravel pit at the end of Timberlands Rd. This 20 acre parcel is presently zoned RM 9 which allows for those activities associated with natural resource harvesting, resource extraction, primary processing and passive recreational uses. The re-zoning requested is RM 10, which is a newly created zone to allow the owner from Sooke, to peel raw logs and process them into telephone poles, landscape ties, fence posts etc. He will be processing 500 cu. m. of logs per day (an estimated 600 - 800 logs or 15 truck loads) during daylight hours. (Approx. 7 A. M. - 7 P.M.) He requests a log storage of 23,441.62 sq. m. a manufacturing area of 21,638.49 sq. m., a 5000 gallon water reservoir and an oil storage tank, office building and 6 parking spaces. He is required to leave an 8 m. buffer on property lines.

PARCEL 2:
This parcel is located on the south side of Timberlands Rd.; the locked, gated 38 acre parcel that was previously operated by Columbia Explosives and was zoned Industrial 4. That zoning allowed for that specific business with site coverage limited to 10%. The property has been purchased by 3 large companies who want to re-zone to a Comprehensive Development Zone, which means that the zone can be custom tailored to fit whatever uses the new owners intend. Their intentions are to:

1. Extract, crush, store and sell over 400,000 cu. yd. of gravel, by digging 15' - 20' down. (The Cassidy aquifer is 15' - 20' below the ground surface and is susceptible to groundwater contamination)
2. Trans shipment center ???
3. Warehouse: Build up to 6 buildings that cover a total of 400,000 sq. ft.
4. Office space.

This parcel has already been completely logged by these developers, except for a 30 meter buffer zone along Timberlands Rd., which they were required to leave.

- COMMENTS:
1. Both of these projects are INDUSTRIAL and they wish to locate them in a RURAL RESIDENTIAL area, which is not in keeping with our Community.
 2. Both projects could have a negative effect on the Cassidy Aquifer. The pole peeling plant will have leachates from the wood waste and chemicals used to treat the manufactured poles, posts and ties.

The gravel pit ,and the potential to put any type of processing or manufacturing plants in that large an area will pollute the aquifer and it will use water that is presently being used for irrigating small farms and servicing the residents in our area. The O.C.P. for Electoral Area A "recommends limiting the growth of industrial/commercial activities within the Cassidy area." Its OBJECTIVES are to "encourage alternative uses which are compatible with the neighborhood for those lands that are currently designated industrial."

3. Both proposals will increase the truck and heavy equipment traffic on Timberlands Rd. Timberlands is a narrow road, that receives minimal maintenance. That would raise serious safety concerns.

4. Both proposals will increase the noise and therefore disturb the quiet rural, residential nature of our properties.

5. Both proposals will could cause air , soil and water pollution.

6. Both proposals would need to address storm water management, as they plan to strip or have already stripped the land of vegetation.

5. There are areas that are already zoned for such high intensity industrial uses.

The Cassidy area is NOT recommended to be one of those areas.

The Development Services Committee of the RDN has scheduled a meeting at the RDN office, Tuesday Feb. 27, 2001 to discuss PARCEL 1 re-zoning application. Please make written submissions about that proposal or be part of a delegation to attend and speak at that meeting. If you wish to speak , on Feb. 27, 2001, contact Maureen Pierce, RDN office, (390-4111) to be put on the agenda. Watch the newspaper for the date of the Public Information Meeting for Parcel 2. For up to date information you can log on to the RDN Website, and click on Agendas & minutes, then on calendar of events , Feb 27, 2001, Development Services Agenda.

If you wish to get more information or have comments to make on one or both of these re-zoning proposals, please attend a meeting at the clubhouse at Rondalyn Resort (1350 Timberlands Rd.) Thurs. Feb. 22 @ 7:00 P.M. If you cannot attend, please send written comments to the RDN, or with a delegate.
www.rdn.bc.ca

NOT!

[Signature] Feb. 22 2001
Heather J. CLOKE "

NOTICE TO CASSIDY RESIDENTS: Feb. 15, 2001.

There are 2 re-zoning applications that have come before the Regional District of Nanaimo, to change existing zoning to accommodate industrial use. The following is a description of the parcels in question, a description of the existing and requested zoning, and a description of the owners' intended uses.

PARCEL 1: ~~NO-REFERENCE~~ KOVALENKO 21-3560 TIMBERLANDS Rd.

This parcel is located on the west side of Timberlands Road, just before you enter the Government gravel pit at the end of Timberlands Rd. This 20 acre parcel is presently zoned RM 9 which allows for those activities associated with natural resource harvesting, resource extraction, primary processing and passive recreational uses. The re-zoning requested is RM 10, which is a newly created zone to allow the owner from Sooke to peel raw logs and process them into telephone poles, landscape ties, fence posts etc. He will be processing 500 cu. m. of logs per day (an estimated 600 - 800 logs or 15 truck loads) during daylight hours. (Approx. 7 A.M. - 7 P.M.) He requests a log storage of 23,441.62 sq. m. a manufacturing area of 21,638.49 sq. m., a 5000 gallon water reservoir and an oil storage tank, office building and 6 parking spaces. He is required to leave an 8 m. buffer on property lines.

No. to Chemical PRESERVATIVE

NAME?

PARCEL 2:

This parcel is located on the south side of Timberlands Rd.; the locked, gated 38 acre parcel that was previously operated by Columbia Explosives and was zoned Industrial 4. That zoning allowed for that specific business with site coverage limited to 10%. The property has been purchased by 3 large companies who want to re-zone to a Comprehensive Development Zone, which means that the zone can be custom tailored to fit whatever uses the new owners intend. Their intentions are to:

1. Extract, crush, store and sell over 400,000 cu. yd. of gravel, by digging 15' - 20' down. (The Cassidy aquifer is 15' - 20' below the ground surface and is susceptible to groundwater contamination)
2. Trans shipment center ???
3. Warehouse: Build up to 6 buildings that cover a total of 400,000 sq. ft.
4. Office space.

This parcel has already been completely logged by these developers, except for a 30 meter buffer zone along Timberlands Rd., which they were required to leave.

COMMENTS:

1. Both of these projects are INDUSTRIAL and they wish to locate them in a RURAL RESIDENTIAL area, which is not in keeping with our Community.
2. Both projects could have a negative effect on the Cassidy Aquifer. The pole peeling plant will have leachates from the wood waste and chemicals used to treat the manufactured poles, posts and ties.

NIMBY. *[Signature]*

Not in our BACK YARD → NIOYB

The gravel pit ,and the potential to put any type of processing or manufacturing plants in that large an area will pollute the aquifer and it will use water that is presently being used for irrigating small farms and servicing the residents in our area. The O.C.P. for Electoral Area A "recommends limiting the growth of industrial/commercial activities within the Cassidy area." Its OBJECTIVES are to "encourage alternative uses which are compatible with the neighborhood for those lands that are currently designated industrial."

3. Both proposals will increase the truck and heavy equipment traffic on Timberlands Rd. Timberlands is a narrow road, that receives minimal maintenance. That would raise serious safety concerns.
4. Both proposals will increase the noise and therefore disturb the quiet rural, residential nature of our properties.
5. Both proposals will could cause air , soil and water pollution.
6. Both proposals would need to address storm water management, as they plan to strip or have already stripped the land of vegetation.
5. There are areas that are already zoned for such high intensity industrial uses.

The Cassidy area is NOT recommended to be one of those areas.

The Development Services Committee of the RDN has scheduled a meeting at the RDN office, Tuesday Feb. 27, 2001 to discuss PARCEL 1 re-zoning application. Please make written submissions about that proposal or be part of a delegation to attend and speak at that meeting. If you wish to speak , on Feb. 27, 2001, contact Maureen Pierce, RDN office, (390-4111) to be put on the agenda. Watch the newspaper for the date of the Public Information Meeting for Parcel 2. For up to date information you can log on to the RDN Website, and click on Agendas & minutes, then on calendar of events , Feb 27, 2001, Development Services Agenda.

If you wish to get more information or have comments to make on one or both of these re-zoning proposals, please attend a meeting at the clubhouse at Rondalyn Resort (1350 Timberlands Rd.) Thurs. Feb. 22 @ 7:00 P.M. If you cannot attend, please send written comments to the RDN, or with a delegate.
www.rdn.bc.ca

Margaret Jallis
122 Timberland Park

We feel that no industrial
project should be located
in a rural residential area
including so many residents
& ruining our water supply.
Plus the traffic involved

No!!!

M. Jallis
&

Cathy Mackenzie
119 Timberland Park

C. Mackenzie


To Whom it may concern,

I am a Cassidy resident because I like the rural nature of the area. I think that if there is a zoning law out here that prevents too much industrial use then who has the right to change that just because someone wants to develop? Tell them to go where there is such zoning for these types of businesses.

If our water is in jeopardy there should be absolutely **NO WAY** anyone could do any digging anywhere close to the depth of our aquifer. This is just purely bad judgement and irresponsible. Also, noise is not a part of the rural living here in Cassidy. It is quiet and has been for many years and should stay that way.

In closing, if the Cassidy area is not recommended to be a high intensity industrial area then it shouldn't be one. Simple as that. Let these people find themselves a place that its better suited to what they want to do.

Sincerely,

 245-8607

Teresa Lingstrom
Cassidy resident 11 years



REGIONAL DISTRICT OF NANAIMO			
APR 10 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
			DSC ✓

MEMORANDUM:

TO: Robert Lapham
General Manager of Development Services

DATE: April 9, 2001

FROM: Brigid Reynolds
Planner

FILE: 3060 30 0106

SUBJECT: Development Permit Application No. 0106 - Munro/Williamson
District Lot 32, Nanoose District
Electoral Area 'E' - 1790 Rena Road

PURPOSE

To consider an application for a development permit to legalize an addition to an existing agricultural building within an Environmental Sensitive Area Development Permit Area. This report also addresses a concurrent application for a development permit to mitigate the impact of the site preparation for the construction of a dwelling unit adjacent to Watercourse Protection Development Permit Area.

BACKGROUND

This is an application to legalize an addition to an agricultural building within an Environmental Sensitive Area Development Permit Area and secondly, to permit the construction of a single family dwelling within a Watercourse Protection Development Permit Area on a property in Electoral Area E. It is noted that the conditions of the permit are also intended to address proposed works to reduce drainage runoff on access roads and mitigation of land clearing impacts.

This parcel is 65.6 hectares in size and a corridor of streams and ponds bisects the parcel. In the centre of the parcel is Morello Pond, the largest pond, which supports a natural population of cutthroat trout. As well, this pond has been a recipient of Fisheries and Oceans Canada colonization program for coho salmon. Nanoose Creek also flows through the southwest corner of the parcel.

There is a network of roads throughout the property. The main access for the house and the agricultural building will be Dufferin/Rena Road. There is another access on Lana Road at the north end of the property. The roads at the north end of the property cross one of the creeks twice with a bridge and a culvert. There is evidence of surface erosion at these crossings.

The subject property is zoned Resource Management (RM3) pursuant to Regional District of Nanaimo Land Use and Subdivision-Bylaw No. 500. The parcel is adjacent to lands zoned Rural 5 (RU5) to the east and north, and lands zoned Resource Management 3 (RM3) to the south (see Attachment 1-Subject Property and Zoning).

There is a large agricultural building on the property. An addition was added to this building without a building permit or a development permit. The total building area is 394 m² (4,241 ft²) The proposed house location is on a rocky ridge along the east side of the corridor of ponds and streams (see Attachment 2- Location of Barn and Proposed House Location).

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There are two development permit area designations on the property, pursuant to Bylaw No. 1118 – Watercourse Protection and Environmentally Sensitive Ecosystem Protection Development Permit Areas. The Watercourse Protection DPA is measured 30 metres from the natural boundary. The proposed house site is a minimum of 32 metres from the natural boundary; however, some land clearing and vegetation removal has occurred within the DPA. The Sensitive Ecosystem DPA, while it covers the whole parcel, applies only to specific features, such as the steep slopes located behind the proposed house site and at the agricultural building location (*see Attachment 3- Development Permit Areas and Attachment 4- Sensitive Ecosystem*). The applicant has submitted an environmental assessment of the impact of the proposed development in support of the application.

ALTERNATIVES

1. To approve a development permit to mitigate the impact of the site preparation for the construction of a dwelling unit and to address drainage run-off on access roads and the impact of land clearing within a Watercourse Protection Development Permit Area and allow for an existing addition to a barn within an Environmental Sensitive Areas Development Permit Area.
2. To deny the application for development permits, thereby not allowing the construction of the dwelling unit in the proposed location and initiating further action against the addition to the barn (which was built without a development permit or building permit).

ENVIRONMENTAL IMPLICATIONS

There are two development permit area designations for this parcel – Watercourse Protection and Ecosystem Protection. The dwelling unit will be located outside of the 30 metre Watercourse Protection Development Permit Area setback. However, when land was cleared for the foundation, vegetation was removed from the setback area and soil was stockpiled within the setback area. The over burden stock piled south of the house site can be reused to restore the disturbed DPA. Staff would recommend that the site be resloped to a 3:1 slope with the excess material being relocated to the front of the proposed dwelling unit. Once the slope has been leveled it will be necessary to replant with native vegetation to reduce the potential for erosion.

Surface erosion has occurred on the road surface at the creek crossing at the north end of the property. To prevent further erosion, road run-off should be redirected from the fill slopes at the bridge and culvert crossing to prevent bank erosion. This can be done by creating swales along the side of the road to disperse the water away from the stream.

There is also the potential for erosion to occur and sediment to enter Nanoose Creek from road run-off on the access road leaving the agricultural building site. This access road should be ditched so water flows down toward the extraction area and away from the creek.

The proposed house site overlooks Morello Pond at the top of a bank. During and post construction there is the potential for stormwater to flow from the house site down into Morello Pond. Stormwater from the building site should be redirected by using a drainage corridor so it flows southeasterly down to the level area below the stockpile where water will be disbursed.

In order for these works to be effective, they should be undertaken under the supervision of the biologist who has prepared the various environmental assessments.

From staff's assessment of this application, any potential negative impacts to the development permit areas will be reduced as a result of the above noted works.

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LAND USE AND DEVELOPMENT IMPLICATIONS

From staff's assessment of this application, the addition on the barn and the proposed dwelling unit will have minimal impacts adjacent properties due to the size of the parcel and the location of these buildings on the site. The parcel is 65.6 hectares in size and the existing and proposed structures will cover less than 0.5 % of the parcel. The proposed dwelling unit and the barn/addition structure are in keeping with the rural appearance of the surrounding parcels and would not detract from the use or enjoyment of neighbouring properties.

PUBLIC CONSULTATION IMPLICATIONS

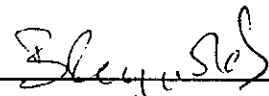
Members of the Board may be familiar with this parcel, as residents in the area have raised concerns with a potential quarry operation on the subject property. The applicant has indicated that the quarry application is 'on hold' and that no blasting or works relating to the quarry operation are occurring on site. Staff will continue to monitor this situation in view of residents' concerns and maintain contact with the Ministry of Mines on the status of this application

SUMMARY/CONCLUSIONS

This is an application for a development permit to legalize an addition to an existing agricultural building within an Environmental Sensitive Area Development Permit Area; to approve works (relating to a proposed dwelling unit) to address drainage run-off on access roads within a Watercourse Protection Development Permit Area and to mitigate the impact of land clearing within a Watercourse Protection Development Permit Area. No variances are requested to this application. The erosion controls, storm water run-off controls, and replanting required as conditions of this permit (as outlined in Schedule '1') will minimize the potential impacts of site development.

RECOMMENDATION

That Development Permit Application No. 0106, to legalize an addition to an existing agricultural building within an Environmental Sensitive Area Development Permit Area, to approve works (relating to a proposed dwelling unit), to address drainage run-off on access roads and the impact of land clearing within a Watercourse Protection Development Permit Area on the property legally described as DL 32, Nanoose District, be approved subject to the conditions outlined in Schedule '1'.



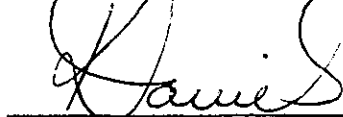
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

reports/development/2001/dp ap 3060 30 0106 Munroe/Williamson

Schedule '1'

Conditions of Approval for Development Permit No. 0106

1790 Rena Road

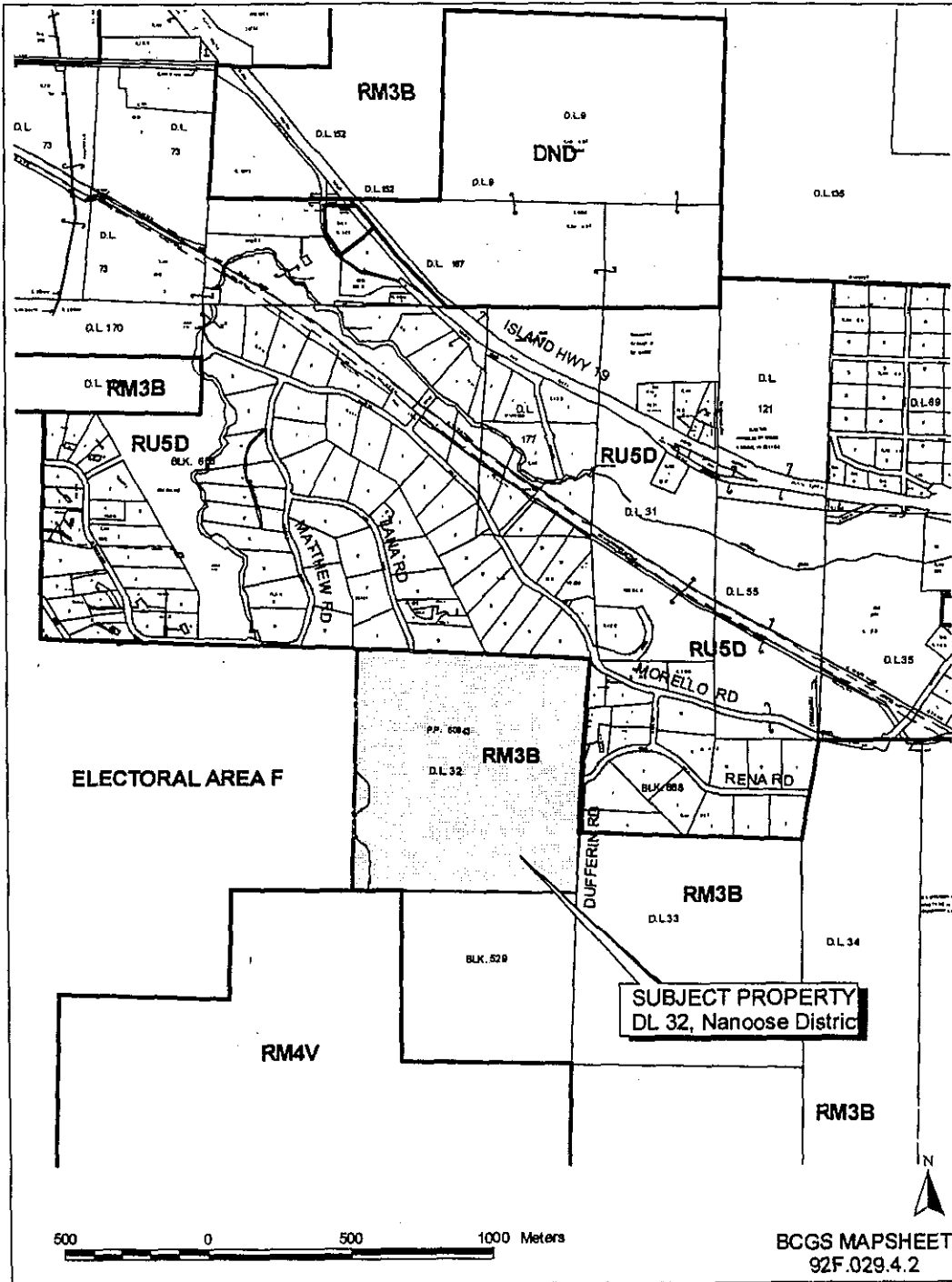
District Lot 32, Nanoose District

1. Install temporary fence (snow or 'hi-vis' fence) 30 metres from the natural boundary to demarcate the setback prior to any construction activity. Leave the temporary fencing in place until after construction is complete and materials and equipment are moved off site.
2. Replant vegetation within the disturbed area identified on Attachment No.3. Replanting to use trees, shrubs, and ground cover native to the area and selected to suit soil, light, and groundcover conditions of the site.
 - Landscaping shall be totally comprised of drought resistant plants and vegetation.
 - Individual plants to be used in the landscaping shall have normal, well developed branches and vigorous, fibrous root systems; such plants shall be healthy, vigorous and free from defects decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers, and all forms of infestation or objectionable disfigurement.
 - Minimum native tree stock of 1.5 metres in height.
 - Minimum planting density of 2.0 metres for trees.
 - Shrubs and smaller species should be planted at between 0.5 and 1.0 metre centers.
 - Fall (September to October) or spring (March to April) planting is recommended to maximize survival.
 - Plant species to include Douglas-fir, arbutus, common snowberry, red huckleberry, and salal.

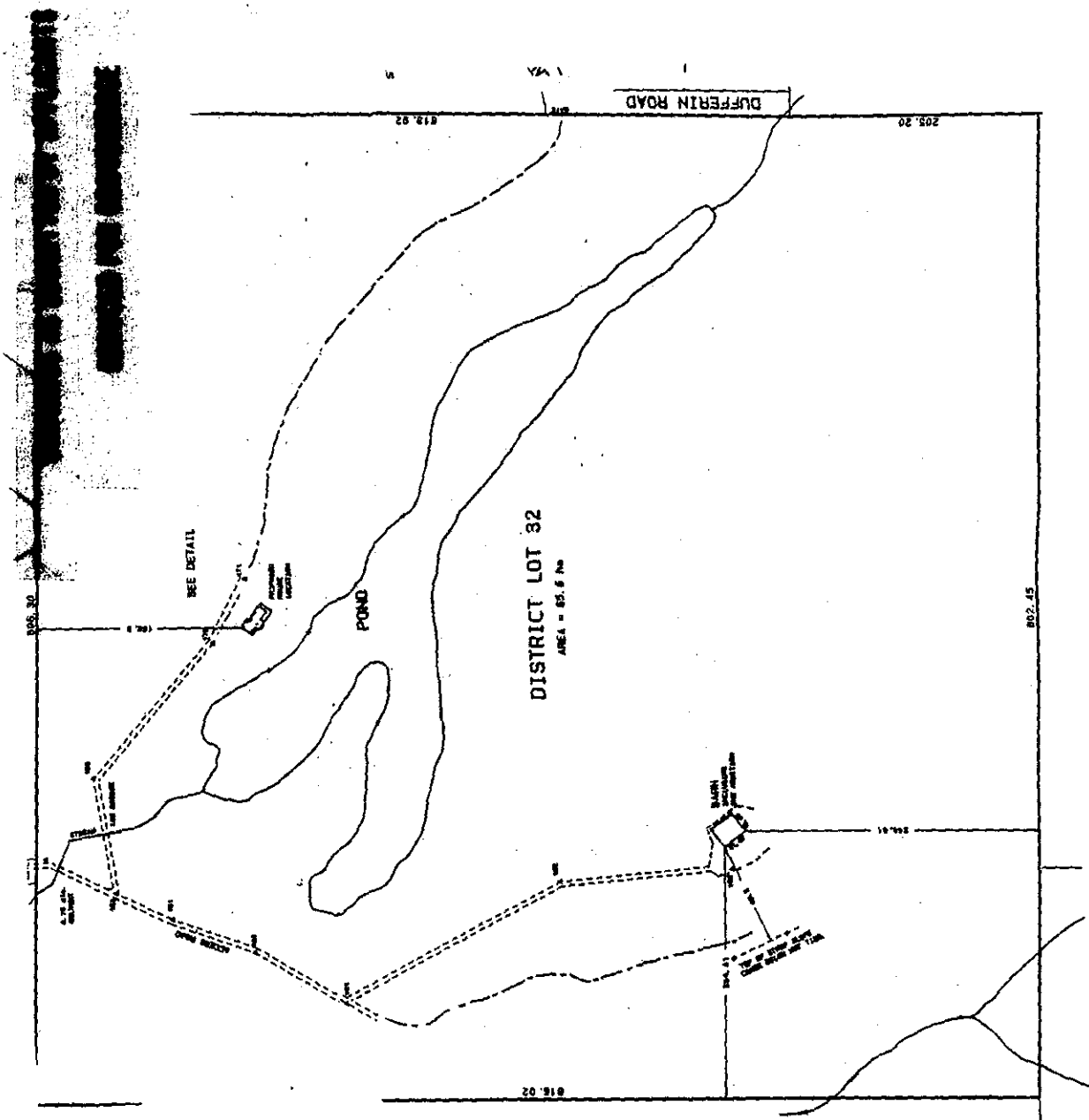
In consultation with and under the supervision of Aquaterra Environmental:

3. Create swales along the side of the road at the bridge and culvert crossings and disperse drainage flow away from streams.
4. Construct ditches adjacent to the access road leaving the agricultural building site.
5. Establish a drainage corridor flowing southeasterly away from the house site.
6. Within the disturbed area as identified on Attachment No. 5, reslope the over burden stock piled south of the house site 3:1 (H:V) and use the excess material to fill in the disturbed area.

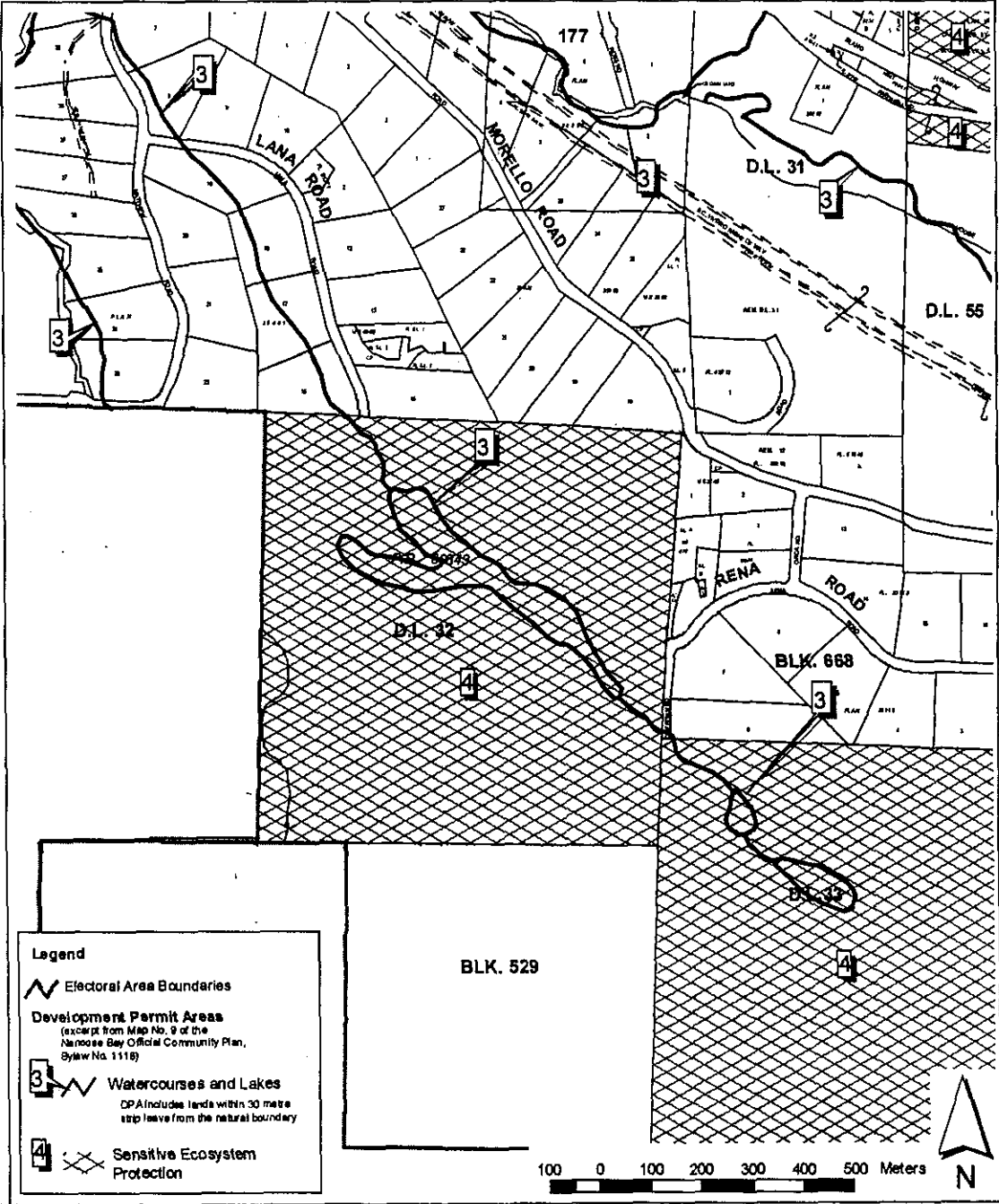
ATTACHMENT NO. 1



ATTACHMENT NO. 2

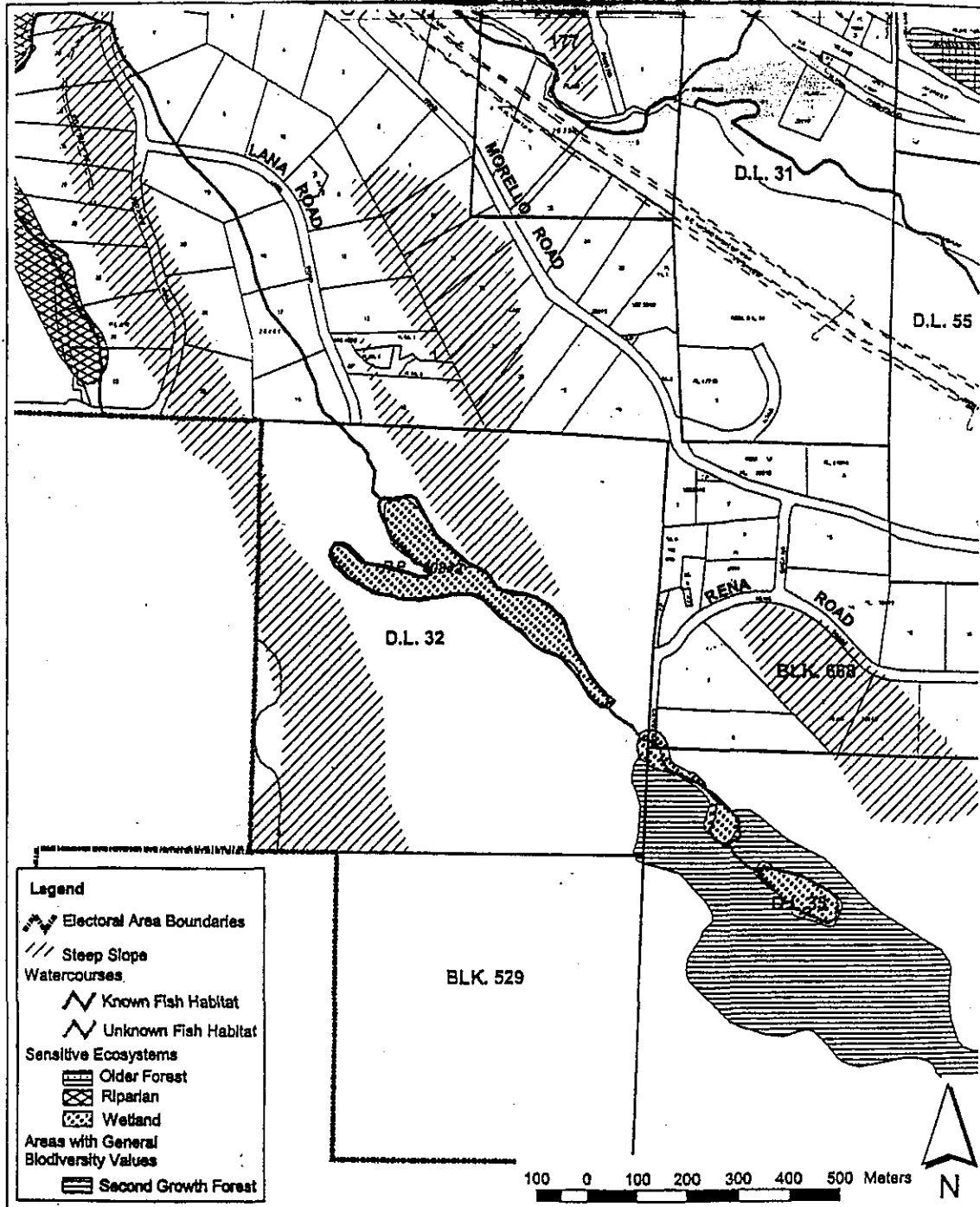


ATTACHMENT NO. 3



ATTACHMENT NO. 4

EXEMPT FROM BYLAW NO. 1118





REGIONAL DISTRICT OF NANAIMO			
APR 10 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
DSC ✓			

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: April 9, 2001

FROM: Lindsay Chase
Planner

FILE: 3060 30 0020

SUBJECT: Development Permit Application 0020 – Boulton/Mill
Lot 14, District Lot 51, Newcastle District, Plan 12041
Electoral Area 'G' – 1345 Private Road (adjacent to Wallace Way)

PURPOSE

To consider a development permit for an existing residential cabin on the subject property.

BACKGROUND

This is an application for a development permit for an existing residential cabin on a property located at 1345 Private Road (adjacent to Wallace Way) in the Hazard Lands designated Development Permit Area in Electoral Area 'G' (see Attachment 1). The subject property is an approximately .44 hectare (1.1 acre) waterfront parcel, bounded by residential property to the south, an un-constructed road access to the east, the Strait of Georgia to the north and Private Road to the west. A small creek traverses the southeast corner of the subject property, but setbacks to this watercourse are not at issue with this application.

Pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, the subject property is zoned Residential 2 (RS2) Subdivision District M. The RS2 zone permits 2 dwelling units on a parcel provided there is sufficient site area, and home occupation use. It is noted that the subject property would require a community sewer and water connection to make the second dwelling unit a conforming use. The cabin is presently a legal nonconforming use.

Pursuant to the Shaw Hill-Deep Bay Official Community Plan, the subject property is within the Hazardous Lands Development Permit Area. The Development Permit Area was established to protect development from hazardous conditions. Specifically, the area was designated a Development Permit Area to protect properties from steep slopes and shoreline erosion. Because the subject property is located within the Hazardous Lands Development Permit Area, a development permit must precede a building permit for the residential cabin on the property.

At issue is the location of the existing residential cabin. Based on information supplied by the applicant, the original cabin on the property was established in the 1940's and was located entirely on the subject property. In 1992, a 29 square metre addition was built without a building permit and crossed the property line, thereby encroaching onto the adjoining waterfront access public right of way (not constructed). Bylaw Enforcement has been working with the applicant to resolve this issue since 1994.

The applicant was offered two potential solutions to the encroachment. The first was to relocate the cabin so that it would be entirely on the subject property. The applicant expressed concerns with this option, as the structure would then be located either on, or very near the septic field. The second option was to pursue purchasing a portion of the lot to the east of the road right of way and swapping that portion with

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the portion currently affected by the encroachment. This would result in a realignment of the non-constructed right of way. The applicant has received communication from the Ministry of Transportation and Highways (MoTH) staff indicating their willingness to pursue the second option. As the adjacent property owner has agreed to allow the subject property owner to purchase an approximately 3 metre by 15 metre strip, the applicant is now pursuing realigning the existing right of way which would place the addition to the cabin entirely within the subject property. This solution to the encroachment does necessitate the applicant requesting a variance to the 'other' lot line, which is discussed in detail below.

Variances Required

The applicant has requested two variances to Bylaw 500 in order to facilitate this development. The first variance required is to vary the 'other' lot line, and the second is to vary the setback to the sea.

Other Lot Line

Both proposed solutions to this issue would require a variance to the 'other' lot line. While the applicant is pursuing the purchase of the strip of land and the realignment of the right of way, the cabin would still be located within the required minimum setback area. The applicant has requested that the other lot line setback be varied from 5.0 metres to 0.0 metres in order to accommodate the new location of the cabin in relation to the altered lot lines.

Should the applicant be unable to acquire a portion of the adjacent neighbors property, the cabin will need to be moved onto the subject property. The applicant has indicated that should this option become necessary, the cabin will be moved only enough to bring it within the bounds of the subject property and will require a variance to permit the cabin to be located immediately within the lot line. A variance of 0.0 metres would be requested.

Setback to the Sea

The second variance is requested to relax the setback to the sea, also to accommodate the siting of the existing cabin and the addition addressed in this report. The applicant is requesting that the setback be relaxed from 8.0 metres to 7.0 metres. In the case of the cabin, it is supported by concrete blocks, which the applicant has indicated will be moved approximately 0.5 metres in order to meet the provisions of the Floodplain Management Bylaw. Therefore, subject to the relocation of the concrete blocks, only a variance to the provisions of Bylaw No. 500 is requested.

It should be noted that the Ministry of Environment, Lands and Parks is referred requests for the relaxation of Bylaw No. 843 provisions. The Ministry has indicated that it is not the policy of the Ministry to approve relaxations of Bylaw No. 843 requirements to buildings that are already constructed, as is the case with the addition to the cabin. However, should the concrete blocks be relocated, no relaxation from the Ministry would be required.

In addition to their comments on Bylaw No. 843, the Ministry has recommended the following from a 'flood control point of view':

1. That no further additions to the cabin be approved under General Exemptions 1(b) and that all future construction meet all requirements of the bylaw;
2. That any future construction or additions to the main dwelling meet all the requirements of the bylaw; and
3. That consideration also is given to the small watercourse located at the back of the property when dealing with the bylaw.

ALTERNATIVES

1. To approve Development Permit No. 0020 subject to the conditions outlined on Schedule '1'.
2. To deny Development Permit No. 0020.
3. To deny the request and recommend that the Board initiate a structural removal bylaw and legal action if necessary to require the owner to remove the addition.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The subject property is within the Hazardous Lands Development Permit Area pursuant to the Shaw Hill-Deep Bay Official Community Plan. With respect to the protection of development from hazardous conditions, the applicant has indicated that the existing cabin addition was located to minimize site impact, and did not require the removal of any trees or bushes. The applicant has indicated that the cabin currently sits 10 to 13 metres from a structural seawall on the east, and the setback to the Strait of Georgia on the north varies between 7.5 metres from the cabin addition, to approximately 15 metres from the original cabin. An Engineer's report on the safety of the seawall was submitted as part of the application. A Professional Engineer has certified the seawall as being adequate for protecting development from hazardous conditions and erosion. A variance, however, is required for the cabin addition.


SUMMARY/CONCLUSIONS

Development Permit No. 0020 will permit the siting of an existing addition of a residential cabin on a property located at 1345 Private Road in Hazard Lands designated Development Permit Area in Electoral Area 'G'. The development permit is consistent with the Shaw Hill-Deep Bay Official Community Plan guidelines for the Hazard Lands Development Permit Area. While the addition was sited without a building permit or development permit, the applicant is taking steps to resolve the situation. The Ministry of Environment, Lands and Parks' approval for a relaxation of the floodplain management provisions pursuant to Bylaw No. 843 is not required in this instance, as the applicant has indicated that the concrete block foundation of the cabin will be relocated to meet required setbacks.

Subject to the applicant addressing the encroachment of the cabin addition into the public right of way (either through the acquisition of land from the parcel to the east of the road right of way or the relocation of the cabin and addition), and subject to the applicant addressing the relocation of the concrete block foundation, staff would recommend approval of the development permit.

RECOMMENDATION


That Development Permit 0020 to establish a residential cabin on the property legally described as Lot 14, District Lot 51, Newcastle District, Plan 12041 be approved as outlined in Schedule '1', and subject to the notification requirements of the *Local Government Act*.



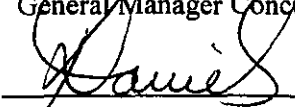
Report Writer



Manager



General Manager Concurrence



CAO Concurrence

COMMENTS:

SCHEDULE '1'

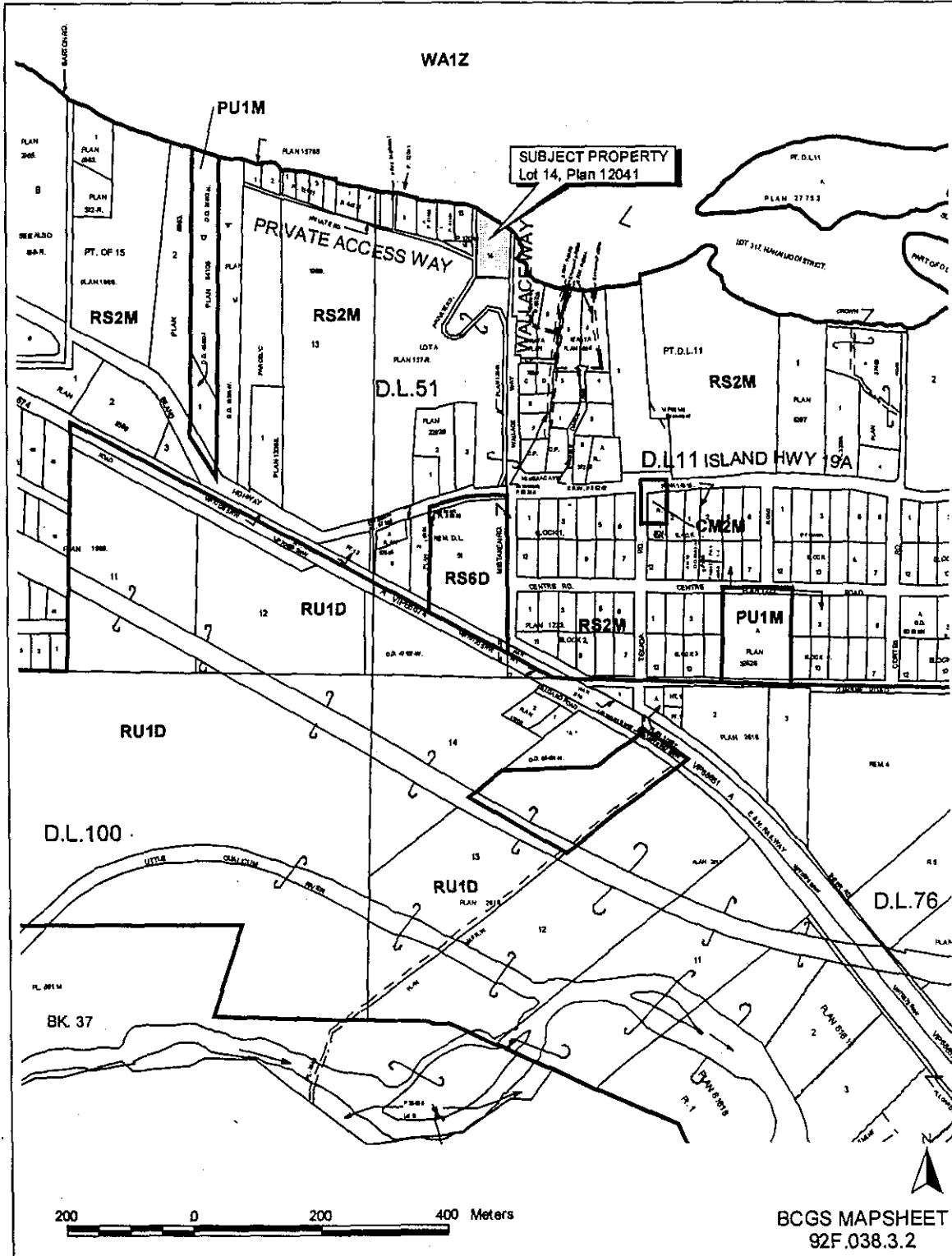
**CONDITIONS OF APPROVAL FOR
DEVELOPMENT PERMIT No. 0020**

1. Vary the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 by:
 - a) relaxing the other lot line setback from 5.0 metres to 0.0 metres to allow for the location of the residential cabin and addition;
 - b) relaxing the setback to the sea from 8.0 metres to 7.0 metres to allow for the existing addition to the cabin;

subject to the following:

- c) completion of the structural foundation alterations and re-framing of the cabin to ensure compliance with Bylaw No. 843 within 6 months from the date of issue of this Development Permit; and
- d) completion of the land acquisition and swap as per Attachment 3, or relocation of the cabin within a period of one year from the date of issue of this Development Permit.

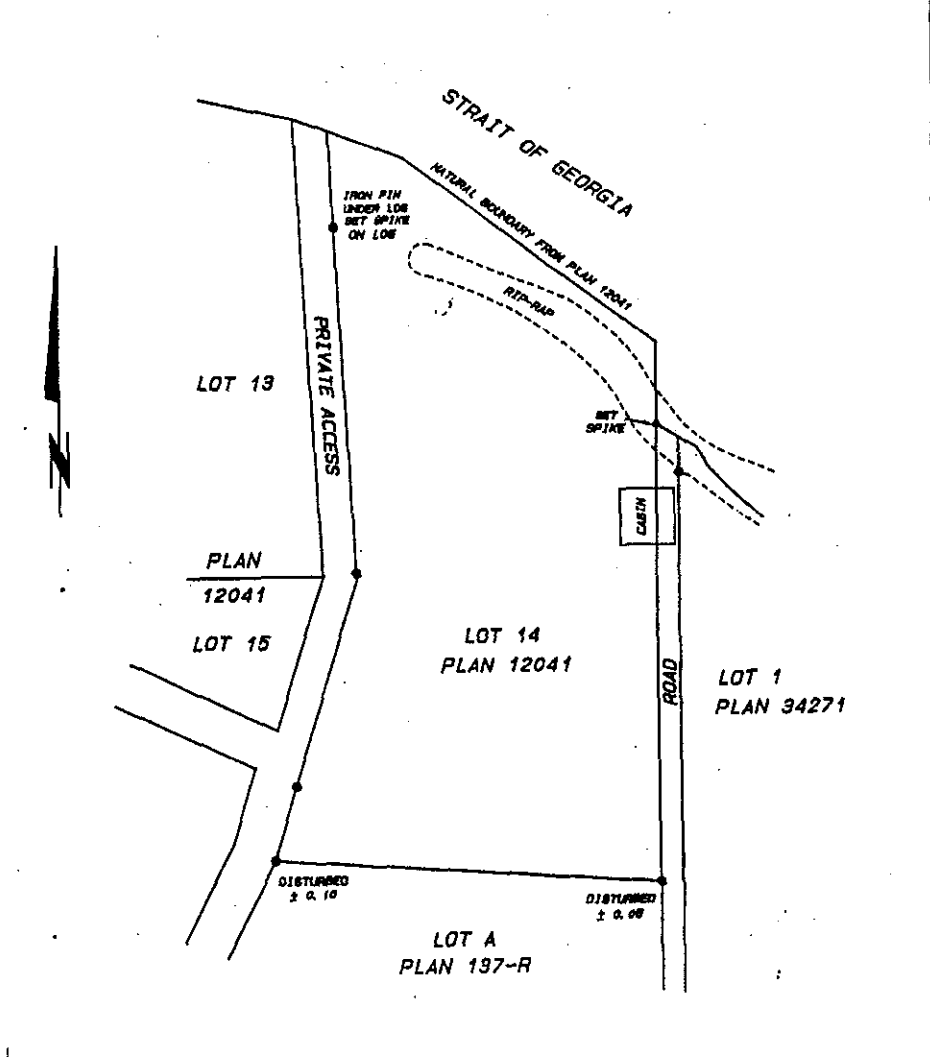
Attachment 1
Location of Subject Property



Attachment 2
Survey Plan of Property

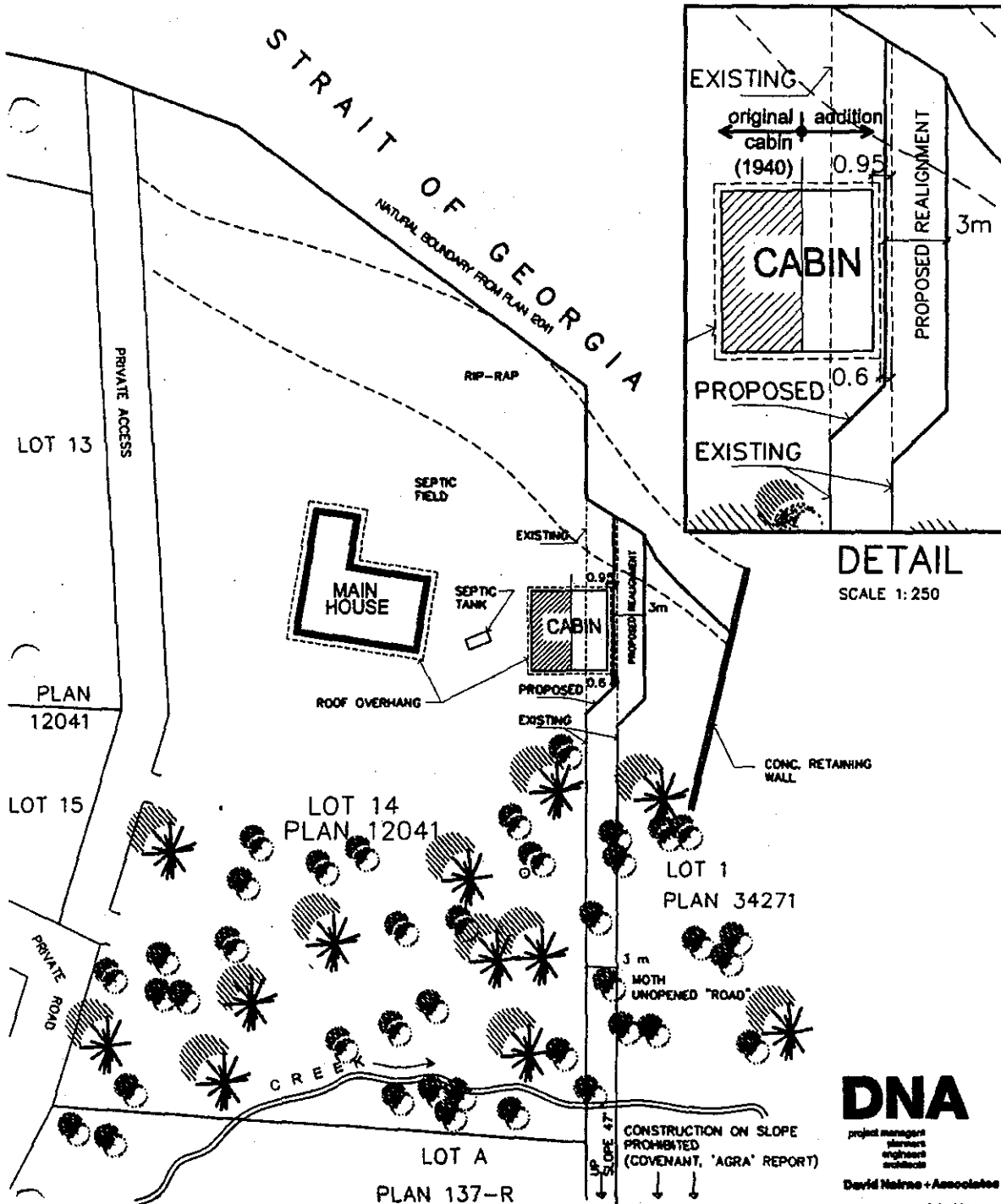
PLAN OF LOT 14, PLAN 12041,
DISTRICT LOT 51, NEWCASTLE DISTRICT,
SHOWING EVIDENCE FOUND AND MARKED.
SCALE 1:500

● DENOTES OLD IRON PIN FOUND.
DISTANCES ARE IN METRES.



SIMS ASSOCIATES
B.C. LAND SURVEYOR
228 FISH ROAD WEST
MILLIKEN BEACH, B.C. V8K 1E4
PHONE 782-8121
FILE SP-508-71
DATE 1999/08/29

Attachment 3
 Site Details



DETAIL
 SCALE 1:250

DNA
 project managers
 planners
 engineers
 architects
 David Nairne + Associates Ltd



SCALE
 1:500
 2001/03/26

BOULTREE CABIN ADDITION - SITE PLAN
 DEVELOPMENT PERMIT - 1345 PRIVATE ROAD
 LOT 14, DISTRICT LOT 51, ND PLAN 12041

Suite 250
 171 West Esplanade
 North Vancouver
 BC V7M 3J8
 Canada
 T 804_984_3603
 F 804_984_0677
 E dna@davidnairne.com

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OF NANAIMO		
APR 10 2001		
CHAIR	<i>[Signature]</i>	GMCrs
CAO		GMDS
GMCrsS		GMES
<i>[Signature]</i>		
DATE: April 9, 2001		

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: April 9, 2001

FROM: Deborah Jensen
Planner

FILE: 3090 30 0103

SUBJECT: Development Variance Permit Application No. 0103 - Lemke
Electoral Area 'E' - 2211 Chelsea Place

PURPOSE

To consider an application for a Development Variance Permit to legalize an existing retaining wall. This retaining wall requires a variance to the minimum setback to an interior side lot line of the subject property.

BACKGROUND

This is an application to legalize the construction of an approximately 8.0' high retaining wall located on a residential property in Nanoose Bay (see Attachment 1). The subject property is a 0.1451 hectares (0.36 acres) parcel located along Chelsea Place. Access to the subject property is from a shared easement, and the subject property driveway is a steep decline from the easement to the dwelling unit.

Zoning and Proposed Variances

The subject property is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line; 2.0 metres from the rear lot line; 2.0 metres from interior side lot lines; and 5.0 metres from other lot lines.

The retaining wall was constructed to facilitate the development of a single dwelling unit, but was constructed without a development variance permit or building permit. A building permit was issued for the dwelling unit on December 6, 2000. As the retaining wall is greater than one (1) metre above the natural grade, it is therefore recognized as a structure by definition with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." As a structure, it must meet the required setback of 2.0 metres from an interior side lot line.

The siting and dimensions of the retaining wall are shown in Attachment 2. Due to the topography of the lot, as shown in Attachment 3, the applicants are requesting a proposed variance to the minimum setback requirement of an interior side lot line from 2.0 metres (6.6 feet) to 0.9 metres (3.0 feet).

Restrictive Covenants

A report from Lewkowich Geotechnical Engineering Ltd., dated November 6, 2000 notes that most of the lot consists of a nearly consistent slope down from southwest to northeast, with some nearly vertical escarpment-like rock faces, but that the proposed building site is considered to be geotechnically safe and suitable for the intended purpose of building support. This report has been registered as a restrictive covenant in favour of the Regional District of Nanaimo.

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ALTERNATIVES

1. To approve Development Variance Permit No. 0103.
2. To deny the requested development variance permit.

ENVIRONMENTAL IMPLICATIONS

The subject property is not located in an environmentally sensitive area as designated by the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998." The subject property is located on a steep slope of predominantly bedrock, thereby necessitating construction of retaining walls to facilitate the development of a single dwelling unit. Adjacent properties have already been developed pursuant to Section 6.4.61 requirements for a Residential 1 (RS1) zone.

LAND USE IMPLICATIONS

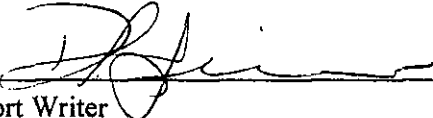
From staff's assessment of this application, the potential visual impact of the variance is reduced as the retaining wall is sited at an elevation lower than the easement road surface. As well, design of the dwelling unit and retaining wall blends with the character of surrounding properties.

SUMMARY/CONCLUSIONS

This is an application for a development variance permit to legalize an existing retaining wall constructed to facilitate the development of a single dwelling unit. The application includes a request to vary the minimum setback requirement for an interior side lot line from 2.0 metres (6.6 feet) to 0.9 metres (3.0 feet). Staff recommends this application be approved subject to notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit No. 0103, submitted by Ed Lemke, Agent on behalf of Beth Elaine Lemke, to legalize an existing wall constructed to facilitate the development of a single dwelling unit by varying the minimum setback requirement for an interior side lot line within the Residential 1 (RS1) zone from 2.0 metres (6.6 feet) to 0.9 metres (3.0 feet) for the property legally described as Lot 30, Plan 51142, District Lot 78, Nanoose Land District, be approved as submitted subject to notification requirements pursuant to the *Local Government Act*.


Report Writer

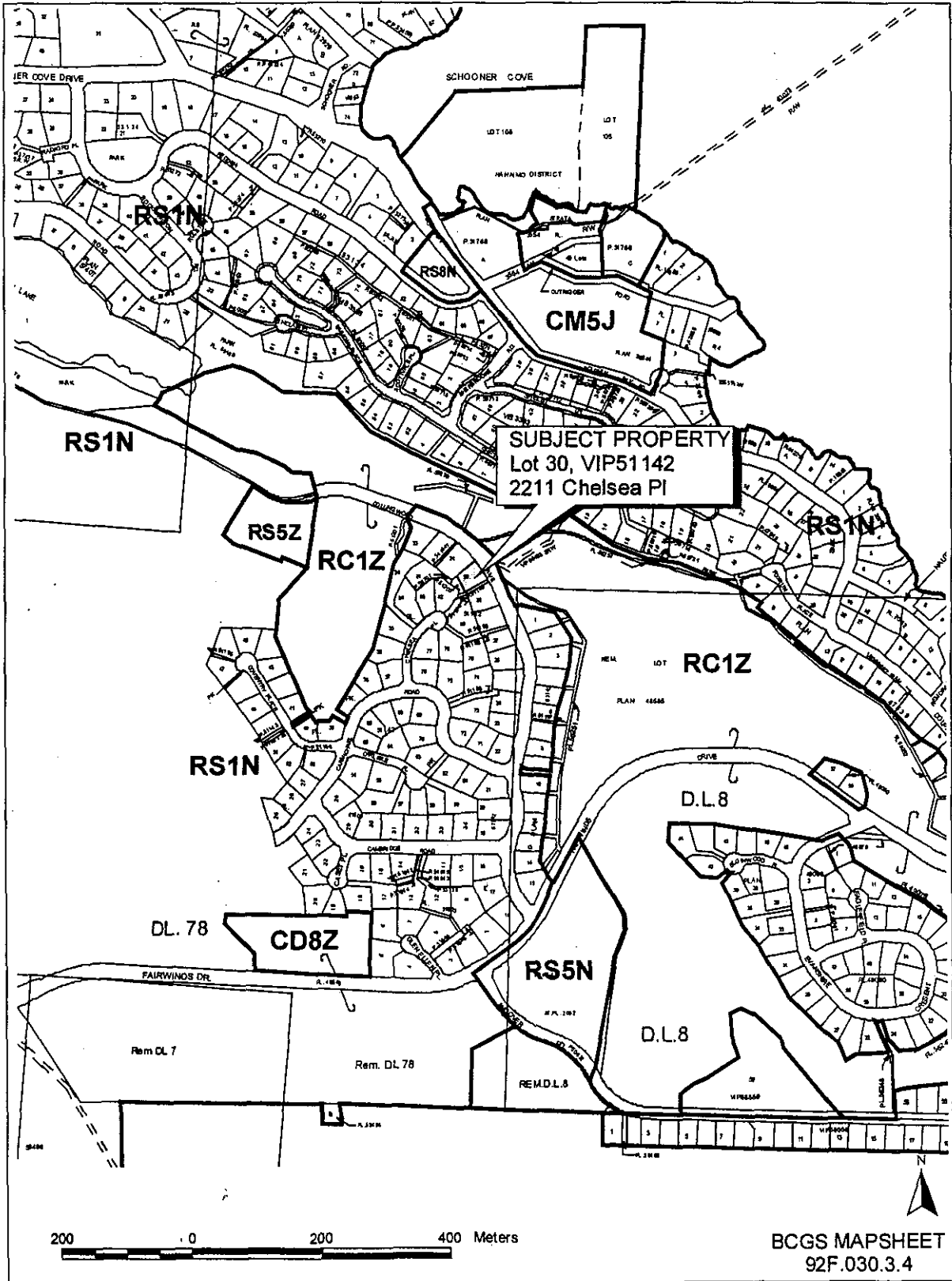

General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS: *reports/development/2001/dvp ap 3090 30 0103 Lemke.doc*

ATTACHMENT 1



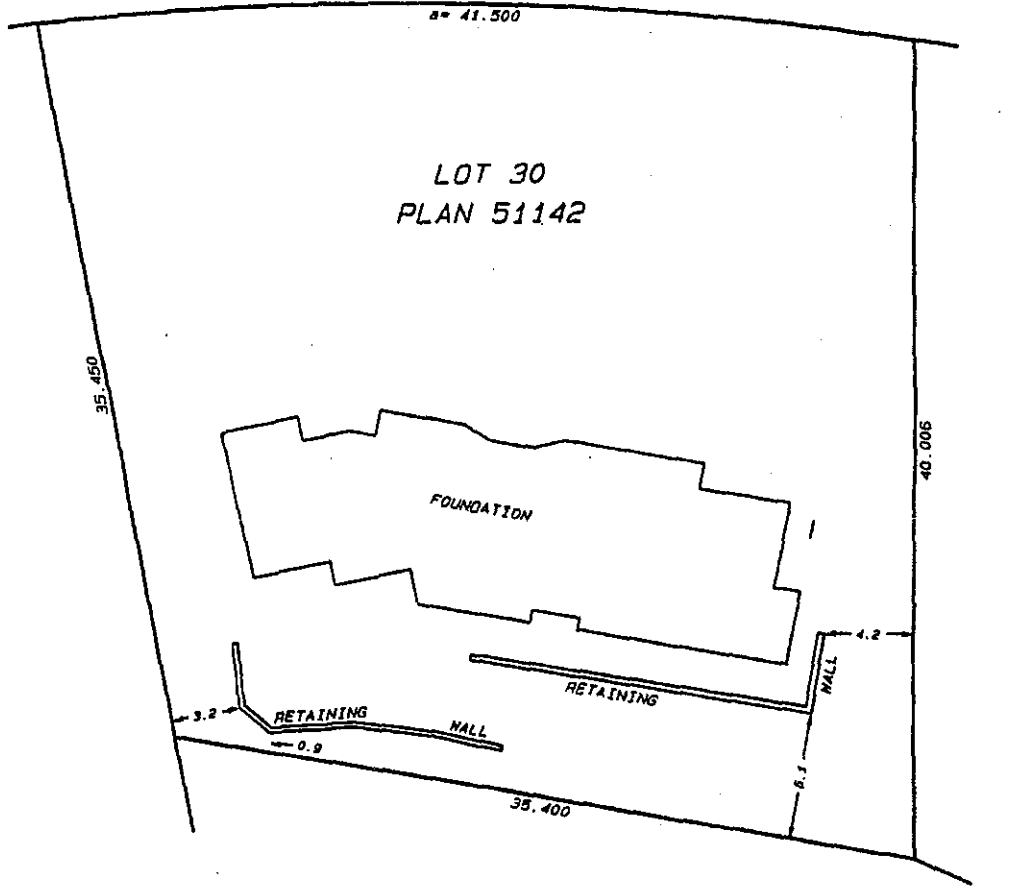
ATTACHMENT 2

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION RECEIVED
LOT 30, PLAN 51142, DISTRICT LOT 78,
NANOOSE DISTRICT,

SCALE 1: 250
ALL DISTANCES ARE IN METRES.

MAR 12 2001
REGIONAL DISTRICT
of NANAIMO

COLLINGWOOD DRIVE



LOT 30
PLAN 51142

FOUNDATION

RETAINING WALL

RETAINING WALL

NOTE:
THIS LOT SUBJECT TO L.T.O. CHARGE NUMBERS H7E300,
E833, E838720, ED100368, ED104601, ED115324, ED115330 AND ES199.

This Survey purports to show only the new construction on the above described parcel(s) and their relative location thereon. This Plan provides no warranty or representation whatsoever with respect to any other building, patio, retaining wall, parking facility, fence, underground, aboveground, or overhead utility or any other improvements and their relative location to any internal or external boundaries of the above described parcel(s) and is not to be used to re-establish property lines.

This Survey is not valid unless originally signed and sealed.
This Survey is protected by copyright and may not be reproduced.
Inspected this 24th day of Jan., 2001.

Michael A. Sims
Michael A. Sims, B.C.L.S.

SIMS ASSOCIATES ©
LAND SURVEYING LTD.
223 FERN ROAD WEST,
QUALICUM BEACH, B.C. V5K 1S4
PHONE: 752-9121 FAX: 752-9241
OUR FILE: 00-297.H

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21

ATTACHMENT 3

FRONT VIEW / WEST ELEVATION
 1/4" = 1'-0"

WEST ELEVATION
 1/8" = 1'-0"

SOUTH ELEVATION
 1/8" = 1'-0"

EAST ELEVATION
 1/8" = 1'-0"

1 - ROOFLINE
 2 - WINDOW FINISH OUTLINE OF THE FACIA
 3 - WINDOW FINISH OUTLINE OF THE ENTIRE
 4 - WINDOW FINISH
 5 - WINDOW FINISH - WINDOW GLASS COORDS

1000176
 OCT 03 2000
 1574

JORGENSEN / OSMOND
 ARCHITECTS - INTERIOR - EXTERIOR

1000176
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